

**CITY OF SHOREVIEW
AGENDA
REGULAR CITY COUNCIL MEETING
February 6, 2012
7:00 P.M.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

PROCLAMATIONS AND RECOGNITIONS

CITIZENS COMMENTS - *Individuals may address the City Council about any item not included on the regular agenda. Specific procedures that are used for Citizens Comments are available on notecards located in the rack near the entrance to the Council Chambers. Speakers are requested to come to the podium, state their name and address for the clerk's record, and limit their remarks to three minutes. Generally, the City Council will not take official action on items discussed at this time, but may typically refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.*

COUNCIL COMMENTS

CONSENT AGENDA - *These items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Agenda and placed elsewhere on the agenda.*

1. January 9, 2012 City Council Workshop Meeting Minutes
2. January 17, 2012 City Council Meeting Minutes
3. January 17, 2012 City Council Workshop Minutes
4. January 23, 2012 City Council Workshop Meeting Minutes
5. Receipt of Committee/Commission Minutes—
 - Planning Commission, December 6, 2011
 - Public Safety Committee, January 19, 2012
 - Environmental Quality Committee, January 30, 2012

6. Verified Claims
7. Purchases
8. License Applications
9. Adoption of Administrative Penalties for Tobacco Violation—Rainbow Foods and Julie Brommer
10. Authorize Purchase/Approve Replacement of Sidewalk Tractor
11. Developer Escrow Reduction
12. Approval of Proposed No Parking on Chatsworth Street North of Highway 96 to Cul-de-Sac
13. Application for Exempt Permit—Taste of Slice

PUBLIC HEARING

GENERAL BUSINESS

14. Text Amendment—Chapter 200, Nonconforming Use Regulations
15. Approval of LCDA Grant Agreement with the Metropolitan Council
16. Resolution Rejecting Proposed Grass Lake Water Management Organization Joint Powers Language and to Petition Dissolution
17. Appointment of Planning Commission Chair and Vice Chair

STAFF AND CONSULTANT REPORTS AND RECOMMENDATIONS

SPECIAL ORDER OF BUSINESS

ADJOURNMENT

*** Denotes items that require four votes of the City Council.**

**SHOREVIEW CITY COUNCIL
WORKSHOP MEETING MINUTES
January 9, 2012**

Attendees:

City Council: Mayor Martin; Councilmembers Huffman, Quigley, Wickstrom and Withhart

Staff: Terry Schwerm, City Manager

Mayor Martin called the meeting to order at 6:30 p.m.

INTERVIEWS OF PLANNING COMMISSION APPLICANTS

The City Council interviewed the following individuals to fill vacancies on the Planning Commission:

6:30 – Kenneth Hess
7:00 – Elizabeth Thompson
7:30 – Patricia Evans
8:00 – Brian McCool
8:30 – Sarah Bohnen

Following the interviews, the Council briefly discussed the interview process and the candidates and asked that appointment of Planning Commissioners be placed on the next regular meeting for consideration.

The meeting adjourned at 9:20 pm.

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
January 17, 2012**

CALL TO ORDER

Mayor Martin called the regular meeting of the Shoreview City Council to order at 7:00 p.m. on January 17, 2012.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance.

ROLL CALL

The following members were present: Mayor Martin; Councilmembers Huffman, Quigley, Wickstrom and Withhart.

APPROVAL OF AGENDA

City Manager Schwerm noted the addition of one item to the agenda under *Special Order of Business*, Appointments to the Economic Development Commission.

MOTION: by Councilmember Quigley, seconded by Councilmember Huffman to approve the January 17, 2012 agenda as amended, adding No. 12 for consideration of appointments to the Economic Development Commission.

VOTE: Ayes - 5 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

There were none.

CITIZEN COMMENTS

There were none.

COUNCIL COMMENTS

Mayor Martin:

Commended Finance Director Jeanne Haapala and City staff for the 26th consecutive year receipt of the Excellence in Reporting Award by the Government Finance Officers Association.

Councilmember Wickstrom:

On Wednesday, January 18, 2012, at 7:00 p.m., the Environmental Quality Committee (EQC) will begin a monthly series on environmental issues. The first program will be on the benefits of rain gardens. All are encouraged to attend. It will also be on cable channel 16.

The Beyond the Yellow Ribbon Committee will meet Thursday, January 19, 2012, at Roseville City Hall, at 7:00 p.m. Anyone interested in helping to support military service families is welcome to attend.

The Rondo Community Trust is conducting a seminar on foreclosure prevention. The first meeting will be Thursday, January 26, 2012. There is also information on the City's website.

Councilmember Huffman:

At the Economic Development Authority meeting last week, Councilmember Withhart was appointed as Vice President and one of the newest members, Gene Marsh, as Treasurer.

Councilmember Withhart:

Ramsey County will be doing a prairie restoration project that includes some removal of trees south of Gramsie Road.

Mayor Martin stated that all the trees to be removed are invasive species and will be burned.

CONSENT AGENDA

Councilmember Wickstrom noted a correction to the January 3, 2012 City Council Meeting Minutes, that the Yellow Ribbon Committee meeting is Thursday, January 5, 2012, not this evening.

MOTION: by Councilmember Withhart, seconded by Councilmember Huffman to approve the Consent Agenda for January 17, 2012, and all relevant resolutions for all items, including the correction to the January 3, 2012 City Council Meeting Minutes:

1. January 3, 2012 City Council Meeting Minutes, as corrected
2. Receipt of Committee/Commission Minutes
 - Economic Development Authority, December 12, 2012

VOTE: Ayes - 5 Nays - 0

PUBLIC HEARINGS

There were none.

GENERAL BUSINESS

APPOINTMENT OF PLANNING COMMISSION MEMBERS

Ballots were distributed to Councilmembers to vote on the three appointments for Planning Commission members. Six applications were received. The Council interviewed five applicants who are not currently serving on the Planning Commission.

Mayor Martin encouraged anyone not appointed to apply for vacancies on other commissions and committees. The deadline for application is January 27th.

City Manager Schwerm reported that the three applicants receiving the most votes are: Elizabeth Thompson, Brian McCool and Curt Proud.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Withhart to appoint Elizabeth Thompson, Brian McClure and Curt Proud to the Planning Commission for a three-year term, until January 31, 2015.

VOTE: Ayes - 5 Nays - 0

APPOINTMENT OF ECONOMIC DEVELOPMENT COMMISSION MEMBERS

City Manager Schwerm stated that two vacancies on the Economic Development Commission were advertised last November and December. Two applications were received. The Commission interviewed the applicants and has recommended that both be appointed.

MOTION: by Councilmember Huffman, seconded by Councilmember Quigley to appoint the following persons to fill two vacancies on the Economic Development Commission:

Jim Gardner - to complete a term expiring on January 31, 2014
Jonathan Weinhagen - to a new three-year term expiring on
January 31, 2015.

ROLL CALL: Ayes: Huffman, Quigley, Wickstrom, Withhart, Martin
Nays: None

ADJOURNMENT

MOTION: by Councilmember Withhart, seconded by Councilmember Huffman to adjourn the meeting at 7:17 p.m.

VOTE: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE __ DAY OF _____
2012.

Terry C. Schwerm
City Manager

**SHOREVIEW CITY COUNCIL
WORKSHOP MEETING MINUTES
January 17, 2012**

Attendees:

City Council: Mayor Martin; Councilmembers Huffman, Quigley, Wickstrom and Withhart

Staff: Terry Schwerm, City Manager
Tessia Melvin, Assistant to City Manager/Communications

Mayor Martin called the meeting to order at 7:20 p.m.

DISCUSSION REGARDING CITIZENS ACADEMY

Schwerm reported that in 2011, he attended a meeting where the City of Minnetonka presented information on their citizens academy. Currently there are many cities that host citizens academies in their police departments. Melvin reported that Minnetonka, Hopkins and Woodbury currently host citizens academies that include police and fire, but also are focused on other services of the City.

Melvin reviewed the proposed Shoreview Citizens Academy Program, which would include the following six 2-hour sessions:

1. Administration and Finance: City Overview and History, Governance Model, Administration and Finance Practices
2. Parks and Recreation: Parks, Recreation Programs and Community Center Facilities and Services
3. Public Safety: Ramsey County Sheriff's Department and Lake Johanna Fire Department
4. Public Works: Infrastructure, Utility System and Environmental Services
5. Community Development: Planning, Zoning, Development and Redevelopment
6. Graduation: Reception prior to a Council meeting, followed by the recognition of graduates at the City Council Meeting

The above curriculum would potentially include a City-wide tour on the night of Community Development.

Schwerm stated that it is the intent of the program is to educate residents about the City and hopefully create community boosters and community leaders. The City's Decision Resources survey shows that our community is unique in that it has many community boosters and staff believe this program would help create future volunteers and committee/commission members.

Schwerm reported that Mayor Martin recently sent him an e-mail regarding a similar program that was created in Carlsbad.

Councilmember Withhart asked the question about if the proposed curriculum was too short and should not be increased to provide more sessions and hours.

Councilmember Wickstrom suggested extending the hours for Public Safety.

Councilmember Huffman asked about creating a project for the group. Schwerm reported that the City of Minnetonka actually has the group do a mock Planning Commission Meeting.

Mayor Martin suggested inviting some current members of our committees/commissions to be part of the mock group. In addition to City committees/commissions, Councilmember Withhart suggested adding the community organizations like SESCO, Shoreview Northern Lights Variety Band, SHS, and the Community Foundation.

The Council shared consensus on the support of a citizens academy program. Melvin reported it is the goal of staff to create a trial-run of the citizens academy program for staff to attend before inviting the public. Schwerm stated that his goal for the academy is to recruit for a Fall 2012 class, however, the City would normally recruit a class in December and host a winter/spring academy.

OTHER ISSUES

Mayor Martin brought up the topic of committees/commissions. She reported that the Lake Regulations Committee only met once in 2011 and the Telecommunications and Technology Committee only met 3 times. In addition to not meeting very often, both committees have low participation and through the recent recruitment of committees/commissions to date, neither has received applicants.

After much discussion, it was suggested by the Mayor that Council examine this topic in more detail at another workshop and potentially meet with each committee to determine mission and workloads for the committees.

Councilmember Huffman requested that staff benchmark other cities to see what committees/commissions other similar cities to Shoreview have. There was some discussion about the possibility of combining some committees/commissions.

Commissioner Quigley brought up a request he received on the idea of creating a Foundation for Public Safety, the purpose would include supporting the goals of Ramsey Sheriff's department goals and outreach. Examples would include Adopt-a-Cop program, Police Academies, Community Auxiliary and Community Officers. It was concluded that the individual should talk with Sheriff Matt Bostrom to see if there are any duplication of efforts. In addition, being that it is for the entire Ramsey County, Councilmembers suggested that the individual talk to Ramsey County.

The meeting adjourned at 8:30 p.m.

**CITY OF SHOREVIEW
CITY COUNCIL WORKSHOP MEETING
January 23, 2012**

Attending:

Council: Mayor Martin, Councilmembers Huffman, Quigley, Wickstrom,
Withhart

Staff: City Manager Terry Schwerm
Public Works Director Mark Maloney
Environmental Officer Jessica Schaum
City Planner Kathleen Nordine

Mayor Martin called the January 23, 2012 City Council workshop meeting to order at 7:00 p.m.

REVIEW OF PROPOSED ENVIRONMENTAL REGULATIONS AND EMERALD ASH BORER MANAGEMENT PLAN

Emerald Ash Borer Ordinance Amendment and Management Plan

City Manager Schwerm indicated that staff will be recommending some changes in the City's diseased tree section of the City Code to better define the City's role in handling ash trees infested with the Emerald Ash Borer (EAB). He noted that in most respects, infested ash trees would be handled similar to diseased elms or oaks in that the City would be responsible for removal on public property and boulevard areas, while homeowners would be responsible for removal cost on their own property. If a homeowner does not remove the tree, the City would hire a contractor to do the work and then assess the cost back to the homeowner. The proposed ordinance amendment adds language referring to Plant Pests, along with tree diseases.

He also reviewed a draft EAB Management Plan. He noted that the proposed code amendments and the management plan still need to be reviewed by the Planning Commission and Environmental Quality Committee before a final plan is developed and brought to the Council for formal approval.

Quigley asked a question about whether the 10% figure for the number of ash trees in the City was a good number. Schwerm explained that the number is based on a Department of Natural Resources survey of several streets in the City, and is more of a "snapshot" estimate than a complete tree inventory. Staff believes the number of ash trees may be as high as 15 to 20 percent of the total number of trees in the City.

Schwerm explained that the draft management plan takes a balanced approach to prepare for the Emerald Ash Borer that includes: 1) Education of the public on the potential threat and treatment methods; 2) Removal or treatment of infested ash trees

based on the State Department of Agriculture recommendations; 3) Pre-emptive removal of declining ash trees on public property; 4) Pro-active treatment of some public ash trees in parks and other prominent public boulevard or rights of way; and 5) Reforestation using diverse tree species that would include both City planting on public properties and reinstitution of the City tree sale to residents.

Councilmember Wickstrom noted another pest coming is the Asian Beetle, now in Chicago. She requested this pest be included in the proposed ordinance, so that new trees planted are not affected by this new pest. She does not want to spend a lot of money planting new trees that have to be replaced again in a few years from a different infestation. Diversification of planting will be important. Mr. Maloney responded that the proposed modifications to the Code will be relevant to the next big threat.

Mayor Martin stated that this is the time to reinstitute the tree sale program.

Councilmember Huffman asked if the City subsidizes the tree sale program. Mr. Schwerm answered that it is a pass-through program. The City delivers the trees. Trees are sold at a slightly different cost. If there is any subsidy, it is very small.

Councilmember Huffman suggested consideration of offering the trunk injection treatment program for ash trees to residents. Mr. Schwerm stated that the treatment work could be bid out and then offered to residents at the bid rate with the requirement that they pay up front.

Councilmember Withhart stated that he would support offering preventative injections at City cost to pass savings to residents. Also, he would like the City to help homeowners with removal, if they have many trees infected. Removal would be a substantial cost, and he would hope homeowners would be willing to take on a special assessment to have the work done. Mr. Schwerm stated that he will look into the possibility of special assessments for this work. Costs could be high for the City in dealing with public properties, high profile boulevards, and rights-of-ways. How aggressive a policy needs to be needs to be decided. Staff is looking for grant funding opportunities. One thing that would benefit the City is a more thorough tree inventory to know the numbers that have to be addressed.

Mayor Martin stated that it will be important to make the options available clearly known to residents. Her concern is the ordinance provision that allows the City to remove private ash trees to prevent further infection. The work can be done through the abatement process to remove a public nuisance.

Councilmember Quigley stated that there are too many variables. He agreed that it is critical to have an education campaign to make residents aware, and the information needs to be spread quickly.

Councilmember Withhart suggested that treatment information be dropped for each homeowner that has an infected tree not to be treated by the City, so people will know the cost and how to treat the tree.

An information meeting will be held in May or June. Councilmember Withhart suggested a number of dates be scheduled, so that those with conflicts will have an opportunity to attend.

It was the consensus of the Council to pass Council discussion comments to the Planning Commission and the Environmental Quality Committee when they review the Plan.

Water Quality

Mr. Schwerm reported that another new section to the Code would prohibit the use of coal tar sealants, which are typically used for resurfacing driveways and parking lot areas. Studies show that use of this product eventually means that harmful material will end up in ponds and lakes. A number of other cities have already banned it. It is not used for municipal applications but is mainly used for private driveways. A second ordinance amendment would create a new section regarding illicit discharge into the City's storm water system. This proposed amendment will meet City requirements of the National Pollutant Discharge Elimination System (NPDES).

Mr. Maloney stated that the Minnesota Pollution Control Agency (MPCA) is sponsoring legislation for a rule process to implement and notify cities of the issues. The U.S. Geologic Service has stated that the largest amount of contaminant PAH is in lakes. PAH is from coal tar sealants.

Environmental Officer Jessica Schaum noted that most products with coal tar sealant have been pulled from the shelf at Menard's, Home Depot and Lowe's.

It was the consensus of the Council to support the two ordinance amendments.

Erosion Control

Staff is recommending that the time frame for erosion control be tightened. Currently, six months is allowed for vegetation to be established after a project has been completed. The proposed amendment reduces that timeframe to two weeks to prevent excess sediment from running off disturbed land areas into the City's storm water system. Development during winter months would be held to a May 15th deadline to establish permanent vegetation.

It was the consensus of the Council to support this recommendation to amend the time frame for erosion control.

UPDATE ON GRASS LAKE WATER MANAGEMENT ORGANIZATION

The City of Roseville is considering a resolution to not approve renewal of the Joint Powers Agreement for Grass Lake Water Management Organization (GLWMO) and secondly, to recommend that the GLWMO dissolve. This item will be on the Council's agenda at the first meeting in February.

Mr. Schwerm noted that the current GLWMO Board of five is made up of three Roseville appointees and currently there are none from Shoreview, as the terms of Karen Eckman and Chuck Westerberg have ended. The City could make interim appointments to allow the GLWMO to conduct business. Vacancies must be advertised, and it will be 30 days before appointments can be made.

The preferred options on how water quality for the GLWMO will be managed will be discussed during the dissolution process. If dissolution takes place, that action is taken to the Watershed Board, which has 60 days to hold a hearing and take action on whether GLWMO will dissolve. If so, it will come back to the Council for ratification. If GLWMO does not act to dissolve, the State will not approve its Management Plan without the proposed Joint Powers Agreement. Then the State will take action.

DISCUSSION REGARDING TEMPORARY SIGN CODE REGULATIONS AND ENFORCEMENT

Temporary sign regulations are currently enforced on a complaint basis. A recent complaint was received regarding temporary signage. The business in question has indicated that in these tough economic times the temporary signage is needed for increased visibility.

City regulations require that posting temporary signs requires a permit, and a maximum of two temporary sign permits may be issued per year to a business for a maximum posting of seven days. Temporary signs are for the purpose of advertising special events. The question here is whether regulations should be loosened since many businesses now feel these signs are necessary for visibility. It is a question of fairness to all businesses, as well as an issue for enforcement and attractiveness in the community.

Mayor Martin suggested that one way to address the issue would be to allow temporary signs for more than two events per year, such as four or six times a year, but enforce the time period posted of seven days. Application of the ordinance needs to be fair across the board.

Councilmember Huffman stated that temporary signs must be truly temporary.

Councilmember Withhart stated that when temporary signs are up all the time, they add to clutter and are not seen. He would be willing to allow their use for some special events.

Mr. Schwerm noted that lit window signs, such as “Open” or neon beer signs are not technically allowed.

Mayor Martin stated she feels lit signs are not a problem, but she would like a size limit for them, such as less than one-third of the window.

Councilmember Quigley stated that the ordinance is well framed, but this will be a perennial problem.

Mayor Martin asked staff to find out how other cities handle this issue.

The Council felt that this issue needs to be discussed by the Planning Commission and the Economic Development Commission (EDC). It was the consensus of the Council that the above comments on the issue be sent to the Planning Commission and EDC to consider in their review.

OTHER ISSUES

Mr. Schwerm reported that he met with representatives with Allied Waste regarding the date for the City’s Spring Cleanup Day. The biggest hold up in efficiency is how quickly the cars can be processed—staff needs to determine what the charge is for emptying the car. The City is planning to have more staff to handle the process and payments. The unloading process is quicker with packer trucks as opposed to using rolloff bins. Allied Waste will have more packer trucks available on the third Saturday in May, which is the reason for their request to change the Cleanup Day date from the first Saturday to the third.

It was the consensus of the Council to move Cleanup Day in Shoreview from May 5th to May 19th, as long as sufficient notice is given to residents.

The meeting adjourned at 8:55 p.m.

**SHOREVIEW PLANNING COMMISSION
MEETING
December 6, 2011**

CALL TO ORDER

Chair Feldsien called the meeting of the December 6, 2011 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Chair Feldsien; Commissioners Ferrington, Mons, Proud, Schumer, and Solomonson.

Commissioner Wenner was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Mons, seconded by Commissioner Solomonson to approve the agenda as submitted.

VOTE: **Ayes - 6** **Nays - 0**

APPROVAL OF MINUTES

MOTION: by Commissioner Mons, seconded Commissioner Proud to approve the October 25, 2011 Planning Commission minutes as submitted:

VOTE: **Ayes - 6** **Nays - 0**

REPORT ON COUNCIL ACTION

City Planner Nordine reported that the minor subdivision for Robin Morse at 5036 and 5017 Lexington Avenue was approved at the December 19th Council meeting.

After the Planning Commission considered the Comprehensive Plan Amendments for Chapters 5 and 10, staff met with Adam Herrington at Metro Transit regarding service to Shoreview, but at this time it appears there is not sufficient ridership to add more service. However, Mr. Herrington would be willing to meet with the Planning Commission in the future to further discuss transit issues.

After the Planning Commission reviewed and approved the Comprehensive Plan amendment regarding the Trout Brook Regional Trail study area, staff was advised that Maplewood and Little Canada have completed a feasibility study to route that trail from Lake McCarron to I-694 and Rice Street. The Metropolitan Council has now determined that the City's Comprehensive Plan does not need to be amended to include that trail, as it will not go through Shoreview. That

amendment was not presented to the City Council. Ramsey County will be reviewing the feasibility study.

After some discussion, it was the consensus of the Planning Commission that access to that trail be provided to Shoreview residents.

The City Council approved the transportation amendments, as recommended by the Planning Commission. Those amendments have been forwarded to the Metropolitan Council for final review.

Commissioner Mons suggested that when public transit issues are to be discussed, the meeting be advertised broadly to solicit public input.

NEW BUSINESS

VARIANCE

FILE NO.: 2436-11-29
APPLICANT: CARROLL ROBERTS
LOCATION: 200 DAWN AVENUE

Presentation by Senior Planner Rob Warwick

The variance application is for a reduced front setback to allow a 6-foot by 19-foot unenclosed porch on the front of her rambler home. The request is to reduce the front setback from 30 feet to 26 feet. The front steps need replacement and with that, the applicant would like to install a porch to reduce ice and snow on the steps and sidewalk. The property is located in an R-1 Detached Residential District and is a standard lot.

Permitted encroachments into the front setback include a covered stoop with a maximum 5-foot depth and 7-foot width. The applicant states that the porch is intended to prevent ice on the steps and sidewalk to improve safety as well as the appearance of the house.

Staff has reviewed the application and believes the proposed improvement is consistent with the City's Comprehensive Plan policies. The proposed unenclosed porch is a common feature that will not encroach any further than an existing sidewalk and landscaping and is a reasonable use of the property. The house faces north and is subject to ice and snow buildup during winter. Ice and snow below the eaves will be remedied with the added porch roof. The encroachment will not alter the character of the neighborhood.

Property owners within 150 feet were notified of the application. No comments were received. Staff is recommending approval of the variance with the conditions listed in the staff report.

Commissioner Solomonson asked the amount of encroachment of the overhang and number of risers to the porch. Mr. Warwick stated that the overhang encroachment is 2 feet and there are 2 risers.

Commissioner Mons asked if the sidewalk from the front door is the only access to the garage from the house, or if there is an interior door.

Ms. Carroll Roberts, Applicant, stated that there is a door in the kitchen that goes to the garage. However the sidewalk for visitors to enter the house is very icy and needs to be changed.

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to adopt Resolution 11-88 approving the variance request submitted by Carroll Roberts for 200 Dawn Avenue to reduce the front setback for a 6- by 19-foot unenclosed porch, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. The covered porch shall not be enclosed, unless an amendment is approved to this variance.
4. This approval is subject to a 5-day appeal period.

This approval is based on the following findings:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. Reasonable Manner. A front porch is a typical feature of detached single-family residences, and so the proposal represents a reasonable use of the property. The proposed setback exceeds the setback that is allowed for a covered stoop, and will not encroach further than the existing sidewalk and landscaping.
3. Unique Circumstances. The north facing home is subject to ice accumulation on the front steps and sidewalk during the winter months that represents a safety hazard to the property owner and visitors.
4. Character of the Neighborhood. The 4-foot encroachment is less than the setback variation permitted in the City Code and so will not alter the essential character of the neighborhood. The visual impact of the porch will be minimized because the porch is not fully enclosed.

VOTE: Ayes - 6 Nays - 0

VARIANCE AND RESIDENTIAL DESIGN REVIEW, 800 COUNTY ROAD I

FILE NO.: 2435-11-28
APPLICANT: ALAN & HEATHER WOLDT
LOCATION: 800 COUNTY ROAD I WEST

Presentation by Senior Planner Rob Warwick

A variance application has been submitted to reduce the front setback, as well as a Residential Design Review, both for a tear down/rebuild project. The existing house with tuck-under garage will be removed and a new house constructed on a substandard riparian lot with a 90-foot width on the north side of Turtle Lake. The variance would reduce the front setback from 73.7 feet to 45.1 feet. The new house would be 1 1/2 stories with an attached 2-car garage.

The existing house does not conform to the 50-foot minimum Ordinary High Water (OHW) setback. The new house will comply with the required OHW. The proposed house would be approximately 2,380 square feet with full basement. The 2-car garage would be 506 square feet. The exterior will be cedar shakes with white trim. Four landmark trees will be removed. Replacement trees are required at a ratio of 1 to 1.

The proposal complies with the standards adopted by the City for substandard riparian lots with the exception of the front setback. The required front setback range is between 73.7 and 93.7. The proposed front setback is 45.1 feet.

The applicant states that the depth of the lot creates practical difficulties. Without a reduced front setback, there is no building pad for the house.

Staff finds the proposal to be in compliance with the Comprehensive Plan and the Development Code. The front setback is calculated on the basis of the front setback so the two adjoining properties. The house on the west is at 59.5 feet and the house on the east is at 107.9. Neither comply with the 50-foot OHW setback. Practical difficulties arise with the calculation of the front setback and compliance with the OHW. The required front and OHW setbacks total 125-feet on a lot that is 140 feet deep. The resulting buildable area is less than 1300 square feet. A lot of this size is allowed a foundation area of 2,380 square feet. The proposed 45-foot setback exceeds the minimum 40-foot setback required from an arterial road. Staff believes the proposal is reasonable and addresses the unique conditions on this property.

Fill is proposed for the front yard, raising the grade approximately 4-feet, less than the 5-foot maximum permitted by Code. The house elevation will exceed at 889.0 feet the low floor requirement for County Ditch 8, which is 885.4 feet. The property is outside any flood hazard area. Memos from the Public Works Department indicate that the grading and drainage plan is acceptable provided that the downspouts discharge to the front and lake side yards and not to side yards. A Rice Creek Watershed District permit is required, and Ramsey County has no objections to the proposed grading within the right-of-way of County Road I. A county right-of-way permit is required.

Two shoreland mitigation practices are required. The applicant has indicated that three will be used: 1) architectural mass; 2) removal of an existing nonconforming house; and 3) reduction of existing impervious surface by approximately 10%.

Notices were sent to nearby property owners. No comments have been received. Staff is recommending approval with the conditions listed in the staff report.

Commissioner Mons noted that if the OHW setbacks were met on the two adjoining properties, the front setback proposed would be in compliance. The variance is not caused by the calculation so much as the two adjoining properties are not in compliance.

Commissioner Solomonson asked if the existing driveway will be removed and if there will be impervious material on the west side of the house. Mr. Warwick responded that the proposed driveway runs along the top of the retaining wall along the west lot line. Commissioner Solomonson agreed with Commissioner Mons' assessment regarding the nonconforming setbacks of the two adjoining properties.

Commissioner Ferrington noted that rather than rebuilding on the existing building pad, the applicants have moved the house further away from the lake to conform with the OHW and applauds this redesign, which is an improvement to the property.

Mr. Alan Woldt, applicant, stated that he has spoken with nearby residents. A catch basin for roof runoff may be used to increase infiltration.

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to adopt Resolution 11-87 approving the variance request and to approve the Residential Design Review application for 800 County Road I, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review/Variance applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. Impervious surface coverage shall not exceed 30% of the total lot area as a result of this project. Foundation area shall not exceed 18%. Building height shall not exceed 35-feet, measured peak to lowest grade within 5 feet of the foundation.
4. An erosion control plan shall be submitted with the building permit application, and implemented and maintained during construction.
5. Gutters and downspouts shall discharge runoff into the front and lakeside yards only, and not into either side yard.
6. Four landmark trees will be removed and four replacement trees are required. A surety deposit to insure installation of these trees shall be submitted prior to issuance of a building permit for the new dwelling.
7. The mitigation plan shall be completed within one year of this approval date. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new home.

8. The project is subject to the permitting requirements of the Rice Creek Watershed District, and the applicant shall obtain RCWD permits prior to issuance of a building permit for the new house.
9. All work within the right-of-way of County Road I is subject to the permitting requirements of Ramsey County Public Works.
10. The approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins on the new house.

This approval is based on the following findings:

1. The proposal is consistent with the policies of the Comprehensive Plan.
2. The proposal meets the review criteria for a variance:
 - a. *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* A single-family dwelling with attached garage having a foundation area of 18% of lot area is a reasonable use of this substandard riparian lot.
 - b. *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* The size and location of the houses on the adjacent parcels affect the front setback for the subject property and create unique circumstances with a small, shallow building pad.
 - c. *The variance, if granted, will not alter the essential character of the neighborhood.* Principal and detached accessory structures are located with varying front setbacks along County Road I, so the 45-foot front setback for the subject property will not alter the character of the neighborhood.
3. The proposed dwelling and attached garage conform to the adopted City standards for development on a substandard riparian lot located in the R1 and Shoreland Overlay Districts.

Discussion:

Commissioner Mons offered an amendment for 2.a. to indicate that the front setback, as calculated, is based on artificial setbacks of the two neighboring properties. The 1300 square feet allowed by the existing footprint is reasonable, and rather than saying the applicant should be allowed 18% because that is what the ordinance permits, he would prefer to reference the false front setback on an erroneous calculation from two adjoining lots that do not conform to the OHW setback. Commissioner Schumer seconded the amendment.

It was the consensus of the remaining Commissioners that item 2.a. did not need to be changed, as 18% is allowed in the ordinance and is reasonable.

VOTE ON THE AMENDMENT:

AYES – 1 (MONS)

**NAYS - 5 (FELDSIEN, FERRINGTON, PROUD,
SCHUMER, SOLOMONSON)**

The amendment was defeated.

VOTE ON THE ORIGINAL MOTION:

AYES - 6

NAYS - 0

RESIDENTIAL DESIGN REVIEW

FILE NO.: 2437-11-30

APPLICANT: PATRICK & JACQUELINE O'CONNELL

LOCATION: 3244 OWASSO HEIGHTS ROAD

Presentation by Senior Planner Rob Warwick

This proposal is to tear down a house and rebuild on a substandard riparian lot on the west side of Lake Owasso. The lot is 75 feet in width with 210 feet of depth and situated on a bluff. The adjacent lot to the north is vacant.

The project would remove the existing house of approximately 1800 square feet and attached one-car garage in order to build a new one-story house with a lower walk-out level and two-car garage. The grade elevations of the existing house would be used. Living area would be approximately 1,840 square feet with 710 approximately square feet in the attached garage. The house would have a setback of 34 feet from the top of the bluff, and is approximately 45 feet from the street. The plan would retain the southern portion of the existing drive, which does not conform to the minimum 5-foot side setback. One landmark tree would be removed, and one replacement tree would be required. The proposed house and attached garage complies with the adopted standards for a substandard riparian lot. Exterior materials will use cedar shakes with lap siding, which meets the shoreland mitigation practice of architectural mass. The second practice is to put in an infiltration area west of the proposed garage.

Nearby property owners were notified of the application. One comment was received expressing concern about site drainage, landscaping, tree protection and the location of the driveway.

As the proposal complies with adopted City standards, staff recommends approval.

Commissioner Ferrington asked if the existing driveway is less than the required 5-foot setback and if that would need a variance. Mr. Warwick explained that the applicants can retain the existing driveway. Any expansion would be in compliance because it would be further than 5 feet.

Commissioner Ferrington asked the location of the infiltration area. Mr. Warwick stated that it will be west of the garage. There is a basin, and if that basin fills there is an outlet to direct water along the house and toward the bluff. The soil is clay. A good selection of plants can help infiltration.

Commissioner Ferrington asked if pervious pavers have been considered for the driveway to alleviate runoff. Her concern is stormwater runoff. The neighbors to the south have a guest house that already had a gully behind it from water. She would not want this project to add to that neighbor's issue.

Mr. Warwick stated that the driveway is impervious and runs directly to the bluff. There are check dams shown on the plan that will slow the water. The engineering shows that there will not be a problem with water flowing south to the neighbor's property.

Commissioner Mons recused himself from voting on this matter, as he serves on a Board of Trustees with the applicant's wife.

Mr. O'Connell stated that 99% of the water problem was before the City reconstructed the street. Before that, runoff from the street discharged onto their driveway. There is no runoff problem now.

Commissioner Ferrington asked what is planned for the bluff area. **Mr. O'Connell** stated that consideration is being given to unobtrusive retaining walls with plantings.

MOTION: by Commissioner Solomonson, seconded by Commissioner Schumer to approve residential design review application submitted by Pat O'Connell for 3244 Owasso Heights Road, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. Impervious surface coverage shall not exceed 30% of the total lot area as a result of this project. Foundation area shall not exceed 18%.
4. One landmark trees will be removed as a result of the development, and one replacement tree is required. A cash surety to guarantee the replacement tree shall be submitted prior to issuance of a building permit.
5. A tree protection plan shall be submitted prior to issuance of a demolition permit. The approved plan shall be implemented prior to the commencement of work on the property

and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.

6. A final site grading plan and an erosion control plan shall be submitted with the building permit application and implemented during construction of the new residence.
7. Removal of vegetation on the bluff is subject to review and approval of the City Planner prior to removal of any trees from the bluff pursuant to City Code.
8. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
9. A building permit must be obtained before any construction activity begins.
10. This approval is subject to a 5-day appeal period.

The approval is based on the following finding:

1. The proposal complies with the adopted standards for construction on a substandard riparian lot.

VOTE: AYES: 5 NAYS: 0 ABSTAIN: 1 (MONS)

FINDING THAT THE MODIFICATION OF MUNICIPAL DEVELOPMENT DISTRICT NO. 2 AND THE TAX INCREMENT FINANCING PLAN FOR PROPOSED DISTRICT #7 CONFORMS TO THE GENERAL PLANS FOR THE DEVELOPMENT AND REDEVELOPMENT OF THE CITY

APPLICANT: CITY OF SHOREVIEW

Presentation by City Planner Kathleen Nordine

The Commission is asked to make a finding that Tax Increment Financing (TIF) District No. 7 complies with the City's Comprehensive Plan and general development plans of the City, in accordance with state law. The project that was approved in 2008 has been delayed due to housing market conditions and tighter multi-family financing. The subject property is Shoreview Senior Living/Cascades, located on Hodgson Road north of the fire station.

In 2008, the City approved development plans for the project, which included a Comprehensive Plan Amendment, rezoning, PUD and plat. The project was planned with 104 units of mixed care for seniors--55 independent care/catered living units, 33 assisted living units and 16 memory care units. A separate parcel adjacent to Hodgson Road was planned for an office building. The home at 4696 Hodgson Road has been purchased and that property will be incorporated into the development.

The reasons the developer is seeking TIF financing include the following:

1. The high cost of property acquisition from the previous developer;
2. The limited number of financing options including from the Federal HUD program;
3. Recent acquisition of the Schneider residential property; and
4. A desire to upgrade building and site amenities.

TIF financing would be funded through the creation of a new TIF District for the developer to be reimbursed from future property taxes.

The proposed TIF Plan for TIF District No. 7 has been drafted for review by the Economic Development Authority (EDA). In order to utilize temporary authority granted to the cities regarding TIF Districts, construction must begin by December 31, 2011.

The property is located in a Policy Development Area (PDA) No. 9, and the proposal is consistent with the PDA development guidelines. The PUD was approved with site development plans. A separate amendment to the Comprehensive Plan will be submitted to include the Schneider property.

Commissioner Mons noted that TIF financing for SummerHouse and Scandia Shores included affordable housing units. Ms. Nordine stated that there is also an affordable care component of 12 to 15 units that would be set aside for seniors eligible for an Elderly Waiver program.

Commissioner Solomonson noted that part of the site is zoned for residential and asked if there would be an application for rezoning. Ms. Nordine stated that the PUD would be amended to incorporate that parcel into the senior living site.

Commissioner Solomonson also asked if the parking area to be shared by the senior living site and a future office building would be built prior to the office building and used for overflow parking for the senior living facility. Ms. Nordine confirmed that was part of the plan in 2008, but at this time she has not received the revised phasing plan to know whether the parking lot is to be built in phase 1 or 2. The development agreements and covenants are in place for that shared parking.

Commissioner Proud expressed concern about the plan in that there will be ongoing tenant complaints due to the proximity to the fire station. The plan is not compatible with City development because of the incompatibility of the proposal with the fire station. Ms. Nordine stated that original approvals did address that concern. Two conditions require an existing fence to be extended towards Hodgson Road, and that the design of the windows on that wall of the building must be constructed with soundproofing to mitigate the noise.

Commissioner Solomonson asked if there is some flexibility, now that the residential property has been purchased, to move the senior living further away from the fire station. Ms. Nordine answered that there is, but she is not aware of any plans. The architectural plans have not been submitted for permit review.

Commissioner Mons stated that the fire station issue was addressed with approval of the PUD, which makes it difficult for him to understand how the Commission would now find this development out of compliance.

Chair Feldsien agreed and stated that his understanding is that the Commission is asked to make a finding that the development plan is not changed from what was previously approved.

Commissioner Solomonson noted that acquisition of the residential property does change the plan that was approved.

Commissioner Mons countered that it was planned to make that purchase and the residential site was identified in the original plan as an outlot to be incorporated into the PUD. The use of this parcel and its proximity to the fire station was resolved by the Planning Commission. Also, the original plan considered two office buildings and it was the developer of the office buildings that attempted to acquire the home. The change is that it was not the office developer who eventually made the purchase, but he does not believe that changes the underlying approval of the PUD.

Commissioner Ferrington asked if the TIF financing is only for the senior housing component. Ms. Nordine answered, yes. The office developer would have to amend the TIF Plan, if TIF financing were requested for the office development.

MOTION: by Commissioner Schumer, seconded by Commissioner Solomonson to adopt the Resolution No. 11-92, finding that the draft Tax Increment Financing Plan for the proposed creation of a new Tax Increment Financing District No. 7 is in conformance to the general development and redevelopment plans of the City as described in the Comprehensive Plan.

Discussion:

Commissioner Proud stated that he will vote against the motion because he does not believe it conforms with the general development and redevelopment plans of the City. That determination and whether it is the same plan as was previously approved are two different issues.

VOTE: Ayes - 5 Nays - 1 (Proud)

MISCELLANEOUS

City Council Meetings

Commissioners Mons, Ferrington and Solomonson will attend the December 19, 2011; January 3, 2012; and January 17, 2012 City Council meetings respectively.

2012 Planning Commission Chair & Vice Chair Recommendations

Chair Feldsien asked if he and Commissioner Mons can vote on this matter, as they are both not seeking to be reappointed.

Commissioner Mons stated that he does not intend to vote on this matter, and Chair Feldsien stated that he would prefer not to vote also.

Commissioner Schumer stated that he would like Chair Feldsien and Commissioner Mons to have input into this decision.

Commissioner Mons noted Commissioner Wenner's absence. As all plan to attend the January meeting, he made the following motion.

MOTION: by Commissioner Mons, seconded by Commissioner Ferrington to lay over the matter of a recommendation for Chair and Vice Chair to the January 2012 meeting.

VOTE: Ayes - 6 Nays - 0

Review of 2012 Calendar and City Council Meeting Assignment

Chair Feldsien referred Commissioners to the information provided in their packets.

ADJOURNMENT

MOTION: by Commissioner Mons, seconded by Commissioner Solomonson to adjourn the regular Planning Commission Meeting of December 6, 2011, at 9:03 p.m. to convene a workshop meeting.

VOTE: Ayes - 6 Nays - 0

ATTEST:

Kathleen Nordine
City Planner

PUBLIC SAFETY COMMITTEE
January 19, 2011

CALL TO ORDER: The Public Safety meeting came to order at 7:00 p.m.

ROLL CALL:

Those in attendance were: Jorgen Nelsen, Marc Pelletier, Jeff Tarnowski, Mendee Tarnowski, Walter Johnson, and Terry Schwerm.

APPROVAL OF MINUTES: The Minutes of November 17, 2010 were approved.

CITIZENS' COMMENTS: None.

ALLINA TRANSPORT:

- Jorgen Nelsen reported for Allina. They expect to move their Northern Base to their new location near Woodale Avenue and Highway 10 during March. They are also looking for a "posting base", like a substation, somewhere near their current base in Arden Hills.

FIRE DEPARTMENT:

- Terry Schwerm handed out the Fire Department's report for 2011. He noted there were about 1800 calls in the three cities, most for medical responses. Such calls are expected to increase as hours for duty crews increase. They will move this year to increase staff coverage for heavy call times all the time except Sundays.
- He noted that fire losses were higher than usual in 2011 primarily because of two house fires in North Oaks and three in Shoreview. One of the fires in Shoreview involved a four unit townhouse in which three of the units received major damage.
- He also reported that there was a fire in the Midland Terrace apartments in Shoreview early in January. Damage occurred in 3 to 6 units and the whole building was evacuated. Most of the residents found lodging with friends or relatives, but three families needed help from the Red Cross.
- The average response time difference of three minutes or more between duty crew coverage and call from home coverage was noted.

SHERIFF'S REPORT:

- Terry Schwerm reported that the Sheriff's office has had a difficult time finding an animal control officer. They are looking through their list of CSO volunteers, but what is needed is someone who really wants to be an animal control officer. The neighboring cities have re-hired the last provider for the next 5 months, but Shoreview was not a part of that, so at the moment we are expecting the Sheriff's office to handle complaints.
- Other things are going fine.

LIAISON REPORT: None

ADJOURNMENT: The meeting adjourned at 7:50 p.m.

Minutes of Regular Meeting

ENVIRONMENTAL QUALITY COMMITTEE

January 30th, 2011

1. CALL TO ORDER

The meeting was called to order at approximately 7:05pm.

2. ROLL CALL

Members present: Tim Pratt, Susan Rengstorf, Dan Westerman, Scott Halstead, Lisa Shaffer-Schreiber, Mike Prouty, Len Ferrington

Members absent: Katrina Corum

City staff present: Jessica Schaum – Environmental Officer

3. APPROVAL OF AGENDA

The agenda was approved with no changes.

4. APPROVAL OF MEETING MINUTES – November 28, 2011

Tim noted the minutes showed that the meeting date was Jan 23rd instead of Jan 30th. Staff is correcting this.

5. BUSINESS

A. Elect 2012 Chairperson

Tim Pratt was unanimously approved to be the EQC Chair.

B. New application

The Committee received two applications for one vacancy, John Suzukida and Kathryn Keefer. The City discussed that both applicants have a strong background with complementary skills for the Committee makeup. Mike made a motion to recommend John Suzukida, and Dan seconded. John Suzukida will be recommended to the City Council at their next meeting on a unanimous voice vote.

C. Speaker Series Update

- a. Jan 18, Benefits of Installing a Raingarden – Dawn Pape
 - i. We had about 17 people in the audience; Dawn did a great job presenting. There seemed to be much interest in creating raingardens or using native plants.
- b. Feb 15, Attracting Birds to your Yard – Karen Eckman

The Committee signed thank you cards for the remaining speakers and took posters and fliers to help increase attendance at future presentations. Tim mentioned using Facebook to invite people and dropping off the fliers in bird stores.

D. Green Community Awards

Purpose of program – Len reviewed the attached history for the Committee and pointed out questions to consider for the future. The Committee discussed at length how and if they wanted to proceed with the Green Community Awards program. Challenges identified included the logistics of planning tours, finding applicants, and trying to decide if the program should include education for people who may be interested in these topics or recognizing those with the best practices. (Which is valuable but not too many others learn about how to emulate them without a tour.)

In the end, the Committee decided to end the existing program but define a new, expanded program for the future to incorporate more sustainability features (ie. Water quality, energy efficiency, water conservation, other innovation). This will take time to create a mission and focus the goals of the program – most likely a mix of education and recognition/awards.

Members volunteered to serve on mini-groups to flush out the goals, new categories, criteria, and metrics for an expanded program. Having the City Council ceremony and recognition will still be a part of the program.

Mike and Lisa: Set preamble and definition for program foundation

Mini-groups: Water quality – Len and Scott

Energy efficiency – Mike

Others discussed: General innovation, water conservation

The issue will be discussed again at the February 27th meeting. For the remainder of this year – the Committee plans to establish a foundation for the program in the future by the time of Slice of Shoreview. At this time we will educate people at our booth and have sign-ups available for next year's awards. If the Committee decides to do awards this year – there is no reason it needs to happen in June. Dan suggested it could be a fall or end of the year event.

E. Environmental Code amendments

Jessica reviewed 4 draft amendments to the City's Development Code and an Emerald Ash Borer Management Plan. The amendments included:

Coal-tar sealant ban

Illicit discharge, detection, and elimination

Erosion control

Shade Tree Management

The committee provided comments regarding penalties for illicit discharge, tree inventory (lacking), pro-active mailings in areas with mostly ash trees encouraging them to diversify with new plantings now, and identifying yards for wood stockpiles or contacting District Energy for removal of diseased wood. The Committee also expressed interest in seeing if there was a way to enforce a ban of trimming oaks in spring and summer months to help prevent oak wilt.

These comments will be used in conjunction with input from the Planning Commission and City Council for formal consideration in the next few months.

F. Newsletter Topics

Jessica shared with the Committee that ShoreViews can dedicate more space to environmental topics – so we brainstormed articles for the next issue:

a. February issue:

i. Information on Ramsey County's unused medication collection.

- ii. Home energy audit article idea – Michael
- iii. Cardboard dumpster collapsing - Jessica
- iv. NPDES – Jessica
- v. Alternatives to coal-tar sealants
- vi. A reminder to not trim oaks in April through summer
- vii. Rain barrel/compost bin sale – Tim
- viii. Green Community Awards – watch for our new program at Slice
- ix. Mentioning new code updates and Shade Tree Management?

b. April issue:

- i. Environmentally friendly bug and weed protection.
- ii. How to look for Emerald Ash Borer symptoms

G. Public Works Update

Tom Wesolowski was in California for our meeting so Jessica shared the update:

County F, Demar, Floral Road Reconstruction project - Continuing to work on the feasibility study. A second residential meeting will be held on Feb. 2. At the meeting we will provide preliminary plans for the residents to view and provide comment. Some of the alternatives we are looking at include reducing the road width from 28-feet to 24-feet. There are a lot of trees close to the road on Floral and going with a 24-foot wide road would reduce the number of trees that would need to be removed. With 24-foot wide streets we only allow parking on one side and currently there are not restrictions, so want to get input from the residents. We plan to infiltrate the stormwater in the area and are looking at using the underground perforated pipes like we used in the Hawes/Demar area. We will also look at what previous concrete would cost.

Cascades Senior Living - The contractor removed most of the trees and is digging out for the foundation.

Stonehenge Development - The contractor is in the process of removing trees from the site.

H. Other

- a. Diana McKeown, GreenStep Cities speaker –Because our Green Community Awards discussion, Jessica will check and see if Diana can come to our March 26th meeting at 7:00 instead of Feb. 27th as planned.

I. Adjournment

The meeting adjourned at approximately 9:25pm.

Please contact Jessica Schaum by e-mail at jschaum@shoreviewmn.gov or by phone at (651)490-4665 if you are unable to attend. Please bring any information that you may have to discuss the issues listed.

MOTION SHEET

MOVED BY COUNCILMEMBER _____

SECONDED BY COUNCILMEMBER _____

To approve the following payment of bills as presented by the finance department.

Date	Description	Amount
1/13/2012	Accounts payable	\$ 637.39
1/17/2012	Accounts payable	\$ 174,762.78
1/18/2012	Accounts payable	\$ 824.50
1/19/2012	Accounts payable	\$ 15,631.46
1/23/2012	Accounts payable	\$ 11,298.32
1/26/2012	Accounts payable	\$ 125,674.74
1/30/2012	Accounts payable	\$ 104,832.11
1/31/2012	Accounts payable	\$ 125,076.48
2/2/2012	Accounts payable	\$ 72,484.38
2/7/2012	Accounts payable	\$ 316,858.08
Sub-total Accounts Payable		\$ 948,080.24
1/27/2012	Payroll 123724 to 123779 953378 to 955574	\$158,672.78
Sub-total Payroll		\$ 158,672.78
TOTAL		\$ 1,106,753.02

ROLL CALL:	AYES	NAYS
Huffman		
Quigley		
Wickstrom		
Withhart		
Martin		

2/7/2012

COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line Amount	Invoice Amt
MOSQUITO PRODUCTIONS	DIVE IN MOVIES	225	43590	3173			\$637.39	
							Total of all invoices:	\$637.39

COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line Amount	Invoice Amt
24 RESTORE	791 CRYSTAL AVE. CARPET CLEANING	101	11700				\$592.29	
ANCHOR PAPER	COPY PAPER	101	40200	2010			\$735.83	\$735.83
BKBM ENGINEERS	WATERSLIDE TEMP SHORING	220	43800	2240			\$487.50	
BWBR ARCHITECTS	WATER SLIDE STRUCTURE REPAIR	220	43800	2240			\$1,092.00	\$1,092.00
COCA COLA REFRESHMENTS	WAVE CAFE BEVERAGE FOR RESALE	220	43800	2590			\$254.23	\$254.23
COMMISSIONER OF REVENUE- WH TA	WITHHOLDING TAX - PAYDATE 01-13-12	101	21720				\$8,972.76	\$8,972.76
COMMUNITY HEALTH CHARITIES - M	EMPLOYEE CONTRIBUTIONS: 01-13-12	101	20420				\$103.25	\$103.25
DART PORTABLE STORAGE	791 CRYSTAL AVE. - STORAGE UNIT	101	11700				\$65.05	\$65.05
DART PORTABLE STORAGE	791 CRYSTAL AVE. - STORAGE UNIT	101	11700				\$107.13	\$107.13
DART PORTABLE STORAGE	791 CRYSTAL AVE. -STORAGE UNIT	101	11700				\$53.56	\$53.56
DART TRANSIT COMPANY	791 CRYSTAL AVE. - STORAGE UNIT DELIVERY	101	11700				\$240.00	\$240.00
FSH COMMUNICATIONS LLC	TELEPHONE SERVICES: PAYPHONE	101	40200	3210			\$64.13	\$64.13
GENESIS EMPLOYEE BENEFITS, INC	VEBA CONTRIBUTIONS: 01-13-12	101	20418				\$5,535.00	\$5,535.00
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$16.18	\$16.18
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$16.18	\$16.18
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$16.17	\$16.17
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$16.21	\$16.21
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$16.16	\$16.16
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$16.14	\$16.14
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$16.14	\$16.14
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GRANDMA'S BAKERY	EMPLOYEE RETIREMENT CAKE	101	43400	2180			\$83.50	\$83.50
HEALTH PARTNERS	HEALTH INSURANCE: FEBRURARY 2012	101	20410				\$48,355.30	\$49,778.01
		101	20411				\$1,422.71	
HENNEPIN TECHNICAL COLLEGE	JOHN MATTSON CVI CERT CLASS	701	46500	4500			\$95.00	
ICMA/VANTAGEPOINT TRANSFER-300	EMPLOYEE CONTRIBUTIONS PAYDATE: 01/13/12	101	21750				\$4,595.38	\$4,595.38
ICMA/VANTAGEPOINT TRANSFER-705	ROTH CONTRIBUTIONS: 01-13-12	101	20430				\$398.00	\$398.00
IHS GLOBAL INC.	ANNUAL SUPPORT SUBSCRIPTION: ACCUSAFE 10	101	40500	2010			\$329.00	\$329.00
MCCAREN DESIGNS INC	FEB. HORTICULTURE SERVICES-POOL	220	43800	3190			\$1,278.23	\$1,278.23
MINNESOTA CHILD SUPPORT PAYMEN	PAYDATE: 01-13-12	101	20435				\$209.00	\$209.00
MINNESOTA DEPARTMENT OF REV -	ON ROAD DIESEL FUEL TAX DECEMBER 2011	701	46500	2120			\$393.96	\$393.96
MINNESOTA DEPARTMENT OF REVENU	SALES USE TAX: DECEMBER 2011	220	21810				\$11,477.00	\$9,997.00
		220	21810				-\$13,600.00	
		701	46500	2120			\$44.00	
		601	21810				\$2,190.00	
		101	40200	2010			\$76.97	
		101	40550	2010			\$71.01	
		101	40550	2180			\$6.55	
		101	40550	4350			\$.89	
		220	43800	2010			\$3.60	
		220	43800	2180			\$27.86	
		220	43800	2240			\$42.01	
		220	43800	3190			\$33.48	
		220	43800	3810			\$120.91	
		220	43800	3960			\$152.44	
		225	43520	2170			\$53.35	
		225	43530	2170			\$58.72	
		225	43580	2170			\$11.28	
		225	43580	2172			\$111.80	
		260	47400	4340			\$80.85	

COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line Amount	Invoice Amt
		601	45050	2280			\$18.28	
		220	21810				\$9,016.00	
MINNESOTA ENVIRONMENTAL FUND	MN ENVIRONMENTAL EMPL CONTRIB: 01-13-12	101	20420				\$27.00	\$27.00
NEOPOST USA INC.	POSTAGE MACHINE MAINTENANCE	101	40200	3850			\$870.31	\$870.31
PUBLIC EMPLOYEES RETIREMENT AS	EMPL/EMPLOYER CONTRIBUTIONS: 01-13-12	101	21740				\$27,607.67	
RICOH AMERICAS CORPORATION	MAINTENANCE CITY HALL COPIERS	101	40200	3850			\$3,465.29	\$3,465.29
RICOH AMERICAS CORPORATION	LEASE CITY HALL COPIERS	101	40200	3930			\$2,199.88	
ST. PAUL, CITY OF	RIVERPRINT: MISCELLANEOUS PRINT JOBS	220	43800	3390			\$229.78	\$2,504.90
		101	40210	3390			\$94.22	
		225	43555	2170			\$19.24	
		225	43400	3390			\$1,611.64	
		101	43400	2010			\$128.25	
		220	43800	2010			\$149.06	
		701	46500	2180			\$208.58	
		101	40550	2010			\$21.38	
		101	42050	2010			\$21.38	
		601	45050	2010			\$10.69	
		602	45550	2010			\$10.68	
TREASURY, DEPARTMENT OF	FEDERAL WITHHOLDING TAX: 01-13-12	101	21710				\$21,525.25	\$50,442.89
		101	21730				\$22,612.34	
		101	21735				\$6,305.30	
ED WAY - GREATER TWIN CITI	EMPLOYEE CONTRIBUTIONS:01-13-12	101	20420				\$99.00	
ERSITY OF MINNESOTA - RDU	JESSICA STORMWATER AND BMP CLASS	101	42050	4500			\$80.00	\$80.00
UNIVERSITY OF MINNESOTA - RDU	TOM W STORMWATER AND BMP CLASS	101	42050	4500			\$80.00	\$80.00
WATSON COMPANY	WAVE CAFE FOOD FOR RESALE	220	43800	2590			\$1,131.79	\$1,131.79
WATSON COMPANY	WAVE CAFE FOOD FOR RESALE	220	43800	2590			\$163.21	\$163.21
WATSON COMPANY	WAVE CAFE FOOD FOR RESALE	101	40800	2180			\$64.75	\$209.77
		220	43800	2590			\$145.02	
WATSON COMPANY	COFFEE FOR BREAKROOMS	101	40800	2180			\$189.13	\$189.13
XCEL ENERGY	TRAFFIC SIGNAL: 135 VADNAIS BLVD	101	42200	3610			\$36.57	\$36.57
XCEL ENERGY	TRAFFIC SIGNAL SHARED W/NORTH OAKS	101	42200	3610			\$42.40	\$42.40

Total of all invoices: \$174,762.78

COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line Amount	Invoice Amt
ROSEVILLE, CITY OF	LICENSE TAB RENEWAL FOR CITY VEHICLES	701	46500	2180			\$824.50	\$824.50
							Total of all invoices:	\$824.50

COUNCIL REPORT

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COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line Amount	Invoice Amt
BENDER, ERIC MC#234	DODGEBALL REF JAN 11 & 18	225	43510	3190			\$90.00	\$90.00
COMMUNITY REINVESTMENT FUND	GMHC ADMIN FEES-DEC STMT-9 X \$6/NEW @ \$15	307	44100	4890			\$69.00	\$69.00
GENESIS EMPLOYEE BENEFITS, INC	FLEX - MED/DEPENDENT CARE 01-20-12	101	20431				\$1,098.04	\$1,380.45
		101	20432				\$282.41	
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$16.18	\$16.18
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$16.18	\$16.18
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$16.20	\$16.20
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$16.24	\$16.24
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$16.18	\$16.18
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$15.32	\$92.84
		101	40200	4890			\$77.52	
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$16.18	
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
METRO LEASING COMPANY	PUSH PEDAL PULL CARDIO LEASE - JAN 2012	220	43800	3960			\$1,445.35	
MINNESOTA UC FUND	UNEMPLOYMENT COMPENSATION: 4TH QTR 2011	225	43560	1420			\$17.40	\$17.40
PRO-TEC DESIGN	MAINT FACILITY CARD ACCESS	434	47000	5900			\$3,271.85	\$3,271.85
SYSKO FOOD SERVICES OF MN, INC	WAVE CAFE ITEMS FOR RESALE	220	43800	2590			\$1,013.08	\$1,263.30
		220	43800	2180			\$250.22	
U.S. BANK	TREADMILL LEASE/ONE SOURCE FIT/JAN 2012	220	43800	3960			\$1,065.99	
WATSON COMPANY	WAVE CAFE FOOD FOR RESALE	220	43800	2590			\$246.56	\$246.56
WATSON COMPANY	EMPLOYEE BREAK ROOM SUPPLIES	101	40800	2180			\$201.04	\$201.04
WATSON COMPANY	WAVE CAFE FOOD FOR RESALE	220	43800	2590			\$1,847.44	\$1,847.44
YOUNG, MATT	DODGEBALL REF JAN 11 & 18	225	43510	3190			\$90.00	\$90.00
							Total of all invoices:	\$11,298.32

COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line Amount	Invoice Amt
MRPA	ATTN DEB WEINREIS - BROOMBALL REG	225	43510	3190			-\$85.00	-\$85.00
AARP	28 PARTICIPANTS - DEF DRIVING 150201-01	225	43590	3174			\$350.00	\$350.00
BUTLER, JOHN	PASS REFUND	220	22040				\$220.00	\$220.00
CHEN, LIN	ICE SKATING SNOPLow	220	22040				\$77.00	\$77.00
COMMISSIONER OF REVENUE- WH TA	WITHHOLDING TAX - PAYDATE 01-27-12	101	21720				\$8,901.18	\$8,901.18
COMMUNITY HEALTH CHARITIES - M	EMPLOYEE CONTRIBUTIONS: 01-27-12	101	20420				\$103.25	\$103.25
FIRST LAB, INC.	EMPLOYEE TESTING	101	40210	3190			\$220.80	\$220.80
FIRST LAB, INC.	EMPLOYEE TESTING	101	40210	3190			\$215.00	\$215.00
FIRST LAB, INC.	EMPLOYEE TESTING	101	40210	3190			\$220.80	\$220.80
FRESHWATER SOCIETY	ROAD SALT SYMPOSIUM/MALONEY/CURLY/SCHAUM	603	45850	4500			\$375.00	\$375.00
GARRITY, COLLEEN	FACILITY REFUND	220	22040				\$48.21	\$48.21
GENESIS EMPLOYEE BENEFITS, INC	VEBA CONTRIBUTIONS: 01-27-12	101	20418				\$5,535.00	\$5,535.00
GIRL SCOUT MISSISSIPPI SERVICE	FACILITY REFUND	220	22040				\$100.00	\$100.00
GLOBAL KNOWLEDGE	VMWARE CLASS FOR T COONEY	101	40550	4500			\$3,320.00	\$3,320.00
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$15.30	\$15.30
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$15.30	\$15.30
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$16.18	\$16.18
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$16.23	\$16.23
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$15.35	\$15.35
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$15.32	\$15.32
GRANDMA'S BAKERY	BAKERY FOR RESALE - WAVE CAFE	220	43800	2590			\$15.32	\$15.32
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GRANDMA'S BAKERY	BIRTHDAY CAKES FOR RESALE	220	43800	2591			\$19.99	\$19.99
GREENHAVEN PRINTING	JANUARY/FEBRUARY SHOREVIEWS	101	40400	3220			\$1,779.73	\$5,298.57
		101	40400	3390			\$3,518.84	
HOFFARD, THERESA	MILEAGE REIMBURSEMENT	101	40200	3270			\$26.64	
ICMA/VANTAGEPOINT TRANSFER-300	EMPLOYEE CONTRIBUTIONS PAYDATE:01/27/12	101	21750				\$13,574.50	\$13,574.50
ICMA/VANTAGEPOINT TRANSFER-705	ROTH CONTRIBUTIONS: 01-27-12	101	20430				\$438.00	\$438.00
LUTHERAN, NORTH HEIGHTS	FACILITY REFUND	220	22040				\$100.00	\$100.00
MINNCOR INDUSTRIES	CHAIRS - GRILL/SCHAUM	101	42050	2010			\$1,036.69	\$1,036.69
MINNESOTA CHILD SUPPORT PAYMEN	PAYDATE: 01-27-12	101	20435				\$209.00	\$209.00
MINNESOTA ENVIRONMENTAL FUND	MN ENVIRONMENTAL EMPL CONTRIB: 01-27-12	101	20420				\$27.00	\$27.00
MOORE, KATY	PASS REFUND	220	22040				\$208.38	\$208.38
MRPA	ATTN DEB WEINREIS - BROOMBALL REG	225	43510	3190			\$85.00	\$85.00
NORTHWEST YOUTH & FAMILY SERVI	REMAINDER OF INVOICE-TRANSPPOSED NUMBERS	101	40100	3200			\$630.00	\$630.00
ORIENTAL TRADING COMPANY	COMMUNITY CENTER ITEMS FOR RESALE	220	43800	2591			\$246.95	\$246.95
PREINER, CONRAD	PASS REFUND	220	22040				\$15.00	\$15.00
PUBLIC EMPLOYEES RETIREMENT AS	EMPL/EMPLOYER CONTRIBUTIONS: 01-27-12	101	21740				\$27,774.09	\$27,774.09
PUBLIC EMPLOYEES RETIREMENT AS	PERA DEFINED CONTRIBUTIONS: 01-27-12	101	21740				\$243.50	\$243.50
PURE BLUE SWIM SHOP	COMMUNITY CENTER SWIM GEAR FOR RESALE	220	43800	2591			\$1,383.96	\$1,383.96
SWANSON, DENISE	PASS REFUND	220	22040				\$53.56	\$53.56
SUBURBAN UTILITIES SUPERINTEND	ANNUAL MEMBERSHIP:CHMIELEWSJI/CURLEY	601	45050	4500			\$100.00	\$200.00
		602	45550	4500			\$100.00	
SWANSON, JEFFREY	PASS REFUND	220	22040				\$189.67	\$189.67

COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line Amount	Invoice Amt
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TAIWANESE ASSOCIATION	FACILITY REFUND	220	22040				\$300.00	\$300.00
TARGET COMMERCIAL INVOICE	COMMUNITY CENTER SWIM DIAPERS	220	43800	2180			\$93.95	\$93.95
TORRES, JOSE	FACILITY REFUND	220	22040				\$50.00	\$50.00
TREASURY, DEPARTMENT OF	FEDERAL WITHHOLDING TAX: 01-27-12	101	21710				\$21,055.84	\$51,781.95
		101	21730				\$24,013.59	
		101	21735				\$6,712.52	
UNITED WAY - GREATER TWIN CITI	EMPLOYEE CONTRIBUTIONS: 01-27-12	101	20420				\$99.00	
WATSON COMPANY	WAVE CAFE FOOD FOR RESALE	220	43800	2590			\$1,719.18	\$1,719.18
								<hr/>
						Total of all invoices:		\$125,674.74
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COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line	Amount	Invoice Amt
BOY SCOUT TROOP #103	FACILITY REFUND	220	22040					-\$90.00	-\$90.00
ALL POSTERS.COM	NEW YEARS EVE EVENT SUPPLIES	225	43580	2172				\$39.53	\$39.53
AMAZON.COM	WIRELESS NATURAL MOUSE	101	40550	2010				\$55.14	\$55.14
AMAZON.COM	PROJECT PAPER	101	43400	2010				\$49.95	\$49.95
AMAZON.COM	SIT/STAND WORKSTATIONS:FINANCE	101	40500	2010				\$1,079.97	\$1,079.97
BARNES & NOBLE.COM	EMPLOYEE SERVICE AWARD LUNCHEON	101	40200	4890				\$56.54	\$56.54
CDW GOVERNMENT	SIT/STAND WORKSTATION SURFACES	101	40500	2010				\$282.71	\$282.71
CITY SIGNS	PLANNING - NEW MEMBERS	101	44100	2010				\$81.74	\$81.74
CLASSIC COLLISION CENTER	PREMIUM FUEL	701	46500	2120				\$101.37	\$101.37
COMCAST.COM	GUEST ACCESS INTERNET SERVICE:JAN 2012	220	43800	3950				\$59.95	
COMCAST.COM	COMPLEX STAFF INTERNET SERVICE:JAN 2012	230	40900	3190				\$80.64	\$80.64
COMCAST.COM	MODEM 2 INTERNET CHARGES: DECEMBER 2011	230	40900	3190				\$125.25	\$125.25
CONSTANT CONTACT.COM	EMAIL MARKETING SERVICE: DECEMBER 2011	459	43800	3190				\$40.00	\$80.00
		225	43400	4330				\$40.00	
CRAGUNS CONFERENCE AND GOLF RE	2012 MPRA CONFERENCE HOTEL DEPOSIT	101	43400	4500				\$127.18	\$127.18
DATA EAST SOFT/PLIMUS	XTOOLS PRO ARC GIS SOFTWARE	101	40550	2180				\$200.00	\$200.00
DELUXE FORMS.COM	ENDORSEMENT STAMPS	101	40500	2010				\$169.15	\$169.15
GOLD MEDAL PRODUCTS.COM	POPCORN MACHINE REPLACEMENT PARTS-CAFE	220	43800	2180				\$40.89	\$40.89
GOVERNMENT FINANCE OFFICERS AS	2012 GFOA DUES - ESPE	101	40500	4330				\$150.00	
GOVERNMENT FINANCE OFFICERS AS	2012 GFOA DUES - HAAPALA	101	40500	4330				\$225.00	\$225.00
GROSS, LISA	FACILITY REFUND	220	22040					\$90.00	\$90.00
ETT-PACKARD COMPANY	AC ADAPTER	101	40550	2010				\$74.98	\$74.98
JCK PHOTO LP.COM	PHOTO CREDITS	101	40200	4890				\$175.00	
KMART	EMPLOYEE SERVICE AWARD LUNCHEON	101	40200	4890				\$63.51	\$63.51
LIFEGUARD STORE, THE	WHEEL CHAIR	220	43800	2180				\$1,995.00	\$1,995.00
LINN, TAYLOR	VOLLEYBALL REF JAN 17 & 24	225	43510	3190				\$75.00	\$75.00
LOFFLER	MAINTENANCE AND OVERAGE CHARGES	101	40200	3850				\$238.77	\$238.77
MALONEY, MARK	MILEAGE/EXPENSE REIMBURSEMENT	101	42050	3270				\$199.18	\$199.18
MATHESON TRI-GAS INC	CO2 FOR WHIRL POOL	220	43800	2160				\$83.48	\$83.48
MEMORY TEN	CREDIT FOR RETURNED MERCHANDISE	101	40550	2180				-\$149.94	-\$149.94
MICHAEL BRANDWEIN.COM	STAFF TRAINING/DEVELOPMENT MATERIALS	101	43400	4500				\$171.80	\$171.80
MINNESOTA FARMERS MARKET ASSOC	MFMA MEMBERSHIP RENEWAL	225	43590	3174				\$70.00	\$70.00
MINNESOTA FARMERS MARKET ASSOC	MFMA SPRING CONFERENCE	225	43590	3174				\$45.00	\$45.00
MINNESOTA GFOA	2012 MNGFOA DUES - HAAPALA/ESPE/MALONEY	101	40500	4330				\$144.00	\$180.00
		601	45050	4330				\$15.00	
		602	45550	4330				\$15.00	
		603	45850	4500				\$6.00	
MINNESOTA METRO NORTH TOURISM	DEC HOTEL/MOTEL TAX/3 SITES	101	38420					-\$671.71	
		101	22079					\$13,434.18	
MOUNDS VIEW PUBLIC SCHOOLS	BUILDING SUPERVISOR FEE AT ISLAND LAKE	225	43510	3190				\$479.25	\$479.25
MRPA	CLASS "A" BASKETBALL BERTH - (ICE)	225	43510	3190				\$170.00	\$170.00
MRPA	ATTN: WEINREIS - BASKETBALL TEAM REG	225	43510	3190				\$238.00	\$238.00
NATIONAL GYM SUPPLY, INC	FITNESS EQUIPMENT REPAIR PARTS CC	220	43800	2240				\$591.54	
NEOPOST USA INC.	POSTAGE MACHINE SUPPLIES/INK	101	40200	3220				\$154.25	\$154.25
PANINO'S	EDA MEETING SUPPLIES	240	44400	2180				\$137.60	\$137.60
PARTY CITY	EMPLOYEE SERVICE AWARD LUNCHEON	101	40200	4890				\$7.98	\$7.98
PETERSON FRAM & BERGMAN	DECEMBER 2011 LEGAL FEES	101	40600	3020				\$4,424.38	\$8,688.22
		101	40600	3030				\$3,515.84	
		101	40600	3040				\$748.00	
PLUG'N PAY TECHNOLOGIES INC.	DEC/ECOM/CC FEES	220	43800	4890				\$26.13	
		225	43400	4890				\$26.14	

COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line	Amount	Invoice Amt
PLUG'N PAY TECHNOLOGIES INC.	DEC/RETAIL/CC FEES	220	43800	4890				\$143.70	
		225	43400	4890				\$143.70	\$287.40
PMA FINANCIAL NETWORK, INC	NOV 2011 BANK FEES	101	40500	4890				\$141.34	
POWER MUSIC, INC	WINTER 2012 GROUP FITNESS MUSIC	225	43530	2170				\$59.85	\$59.85
RAMSEY COUNTY	PAY 2012 PROPOSED PROPERTY TAX NOTICE	101	40500	4890				\$2,191.89	\$2,191.89
RAMSEY COUNTY	SIGNAL MAINT 7-1-11 THRU 12-31-11	101	42200	3190				\$579.04	\$579.04
REALLY GOOD STUFF.COM	MAGNETIC TAPE-PRESCHOOL SUPPLY	225	43555	2170				\$66.87	\$66.87
SILVER SNEAKERS.COM	FITNESS MUSIC CDS	225	43530	2170				\$70.52	\$70.52
SPIRAL BINDING COMPANY, INC.	COPIER TABS	101	40500	2010				\$93.68	\$117.11
		101	44100	2010				\$23.43	
SPRINGSTED, INCORPORATED	2010 CONTINUING DISCLOSURE SERVICES	101	40500	4890				\$2,865.00	
SUBWAY	NEW YEARS EVE STAFF MEETING SUPPLY	225	43580	2172				\$183.99	\$183.99
SWEENEY, BRIANA	VOLLEYBALL REF JAN 17 & 24	225	43510	3190				\$75.00	\$75.00
TDS METROCOM	TELEPHONE SERVICES	101	40200	3210				\$837.13	
		101	43710	3210				\$254.00	
		601	45050	3210				\$35.40	
		230	40900	3190				\$386.91	
		101	11500					-\$1,513.44	
TOOLUP.COM	DEWALT BATTERY	601	45050	2400				\$98.33	\$98.33
TOOLUP.COM	TORQUE IMPACT WRENCH KIT	602	45550	2400				\$208.56	\$308.56
		601	45050	2400				\$100.00	
TOYS R US	KIDS CARE SUPPLIES	225	43560	2170				\$92.05	\$92.05
U S BANK/REVTRAK	DEC 2011 CREDIT CARD FEES	101	44300	4890				\$192.88	
		220	43800	4890				\$4,146.55	
		225	43400	4890				\$1,942.50	
		601	45050	4890				\$1,630.00	
		602	45550	4890				\$1,630.00	\$9,541.93
U.S. BANK	2010B GO BONDS PAYING AGENT FEES	701	48130	6200				\$425.00	
U.S. BANK	2007B TIF PAYING AGENT FEES	319	48150	6200				\$375.00	\$375.00
ULINE	ANTI FATIGUE STANDING MATS	101	40500	2010				\$62.18	\$62.18
VANCO SERVICES	DEC FITNESS INCENTIVE PROCESSING FEE	220	43800	3190				\$184.50	\$184.50
WALMART	EMPLOYEE SERVICE AWARD LUNCHEON	101	40200	4890				\$86.81	\$86.81
XCEL ENERGY	ELECTRIC: WATER TOWERS	601	45050	3610				\$59.84	\$59.84
XCEL ENERGY	ELECTRIC: TRAFFIC SIGNAL SHARED W/A HILL	101	42200	3610				\$37.99	\$37.99
XCEL ENERGY	ELECTRIC: SURFACE WATER	603	45900	3610				\$45.98	\$45.98
XCEL ENERGY	ELECTRIC/GAS: WELLS	601	45050	3610				\$7,656.80	\$8,364.18
		601	45050	2140				\$707.38	
XCEL ENERGY	ELECTRIC/GAS: PARKS	101	43710	3610				\$1,313.78	
		101	43710	2140				\$917.97	\$2,231.75
XCEL ENERGY	ELECTRIC: SLICE OF SHOREVIEW	270	40250	3610				\$10.17	
XCEL ENERGY	ELECTRIC/GAS: COMMUNITY CENTER	220	43800	2140				\$6,080.41	\$20,818.24
		220	43800	3610				\$14,737.83	
XCEL ENERGY	ELECTRIC: STORM SEWER LIFT STATIONS	603	45850	4890				\$124.96	
XCEL ENERGY	ELECTRIC/GAS: MAINTENANCE CENTER	701	46500	3610				\$3,062.39	\$8,943.50
		701	46500	2140				\$5,881.11	
XCEL ENERGY	ELECTRIC: STREET LIGHTS	604	42600	3610				\$15,679.89	
XCEL ENERGY	ELECTRIC: TRAFFIC SIGNALS	101	42200	3610				\$647.98	\$647.98
XCEL ENERGY	ELECTRIC: SIRENS	101	41500	3610				\$61.12	\$61.12
XCEL ENERGY	ELECTRIC: LIFT STATIONS	602	45550	3610				\$727.05	\$727.05
XCEL ENERGY	ELECTRIC: SURFACE WATER FUND	603	45900	3610				\$38.72	\$38.72
ZAGG INC	CREDIT FOR RETURNED MERCHANDISE	101	40550	2010				-\$99.99	-\$99.99

COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line Amount	Invoice Amt
ZAGG INC	CREDIT FOR RETURNED MERCHANDISE	101	40550	2010			-\$99.99	-\$99.99
ZAGG INC	CREDIT FOR RETURNED MERCHANDISE	101	40550	2010			-\$99.99	-\$99.99
ZIFF DAVIS MEDIA.COM	PC MAGAZINE SUBSCRIPTION UTILITY LIBRARY	101	40550	4330			\$19.97	\$19.97
							Total of all invoices:	\$104,832.11
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COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line Amount	Invoice Amt
ROBICHON'S IN-LINE SKATE SCHOO	LITTLE ROLLERS/KIDS INLINE INSTRUCTION	225	43580	3190			-\$724.50	-\$724.50
PRESS PUBLICATIONS	MARKETING FOR COMMUNITY CENTER	459	43800	3190			-\$386.77	-\$386.77
AFS	FACILITY REFUND	220	22040				\$100.00	\$100.00
ALBAY, MARY LOU	FACILITY REFUND	220	22040				\$48.21	\$48.21
AUSTINSON, JOHN	BASKETBALL REF JAN 23 & 30	225	43510	3190			\$161.00	\$161.00
BENDER, ERIC	DODGEBALL REF JAN 25 & FEB 1	225	43510	3190			\$90.00	\$90.00
DAVIS, GRETCHEN	VOLLEYBALL GRADE 4-5	220	22040				\$52.00	\$52.00
DELTA DENTAL	DENTAL COVERAGE: FEBRUARY 2012	101	20415				\$6,332.72	\$6,459.75
		101	20411				\$127.03	
DEMARS, KAYLA	VOLLEYBALL GRADE 4-5	220	22040				\$52.00	\$52.00
DENNING, LISA	VOLLEYBALL GRADE 6-8	220	22040				\$52.00	\$52.00
EYBERG, MARIA	VOLLEYBALL GRADE 4-5	220	22040				\$42.00	\$42.00
GALE, DAWN	VOLLEYBALL GRADE 4-5	220	22040				\$42.00	\$42.00
GENESIS EMPLOYEE BENEFITS, INC	FLEX - MED/DEPENDENT CARE 01-27-12	101	20431				\$227.84	
		101	20432				\$315.41	\$543.25
GILLIS, MELINDA	VOLLEYBALL GRADE 6-8	220	22040				\$42.00	\$42.00
HANSON, JAMES	BROOMBALL REF JAN 23 & 30	225	43510	3190			\$210.00	
HUANG, YAN	SPORTS GAMES- TURTLE	220	22040				\$31.00	\$31.00
JANES, ANJI	VOLLEYBALL GRADE 4-5	220	22040				\$42.00	\$42.00
LOGAN, JOHN	BASKETBALL REF JAN 23 & 30	225	43510	3190			\$161.00	\$161.00
MINNESOTA RURAL WATER ASSOCIAT	WATER WASTEWATER CONFERENCE	601	45050	4500			\$75.00	\$175.00
		602	45550	4500			\$100.00	
MN DNR ECO-WATERS	2011 WATER USE REPORT/FEE SUCKER LAKE	603	45900	3190			\$140.00	\$140.00
MN DNR ECO-WATERS	WATER USE APPROPRIATION FEE	601	45050	3190			\$12,908.70	\$12,908.70
NCPERS MINNESOTA	PERA LIFE INSURANCE: FEBRUARY 2012	101	20413				\$240.00	
NELSON, AMBER	VOLLEYBALL GRADE 4-5	220	22040				\$52.00	\$52.00
NELSON, MARIA	TUMBLING TYKES	220	22040				\$50.00	\$50.00
NOYES, BRIAN	BASKETBALL REF JAN 23 & 30	225	43510	3190			\$161.00	\$161.00
OUIMET, BRIDGET	VOLLEYBALL GRADE 6-8	220	22040				\$52.00	\$52.00
PESCHEL, ANGIE	VOLLEYBALL GRADE 4-5	220	22040				\$42.00	\$42.00
PETERSON, ROBERTA	PASS REFUND	220	22040				\$48.15	\$48.15
PMA FINANCIAL NETWORK, INC	DEC 2011 BANK FEES	101	40500	4890			\$149.42	\$149.42
RODRIGUEZ, CINDY	VOLLEYBALL GRADE 4-5	220	22040				\$52.00	\$52.00
SCHLECK, LORIE	VOLLEYBALL GRADE 6-8	220	22040				\$52.00	\$52.00
SHORT ELLIOTT HENDRICKSON, INC	OWASSO-VICTORIA-E CONSTRUCTION	571	47000	5910			\$33,263.80	\$33,263.80
SORENSEN, MATTHEW	BASKETBALL REF JAN 23 & 30	225	43510	3190			\$161.00	\$161.00
TARGET COMMERCIAL INVOICE	PERFECT AB STRAPS	220	43800	2180			\$18.71	\$18.71
THELEN, ANGELA	VOLLEYBALL GRADE 4-5	220	22040				\$52.00	\$52.00
TRIMBLE, MATT	VOLLEYBALL GRADE 6-8	220	22040				\$52.00	\$52.00
WELLS FARGO BANK MN, NAT'L ASS	TIF NOTE PAYMENT/PER CONTRACT	305	48600	6020			\$17,527.66	\$17,527.66
WILS - WOMEN IN LEISURE SERVIC	WILS TRAINING - YOUNG/FUGLESTAD/EMERT	225	43400	4500			\$180.00	\$180.00
YOUNG, MATT	DODGEBALL REF JAN 25 & FEB 1	225	43510	3190			\$90.00	\$90.00

Total of all invoices: \$72,484.38

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COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line	Amount	Invoice Amt
Craguns Conference and Golf Re	2012 MPRA Conference Hotel Deposit	101	43400	4500				-\$127.18	-\$127.18
Power Music, Inc	Winter 2012 Group Fitness Music	225	43530	2170				-\$59.85	-\$59.85
AARP C/O Ray Murray	33 DEF Driving	225	43590	3174				\$420.00	\$420.00
American Messaging	Lockbox-2/1/12-2/29/12	101	40210	3190				\$4.26	\$4.26
Craguns Conference and Golf Re	2012 MPRA Conference Hotel Deposit	101	43400	4500				\$127.18	\$127.18
Gopher	Cooler and Basketballs	225	43590	2175				\$76.45	\$263.50
		225	43510	2170				\$187.05	
Metropolitan Council Environme	December 2011 SAC Charges	602	20840					\$124,880.00	\$123,631.20
		602	34060					-\$1,248.80	
Midwest Special Services, Inc	December Cleaning	220	43800	3190				\$157.50	
Office Depot	General Office Supplies	101	40500	2010				\$63.08	
		101	40200	2010				\$13.47	\$107.93
		225	43555	2170				\$31.38	
Office Depot	General Office Supplies	220	43800	2010				\$1.91	
		101	40200	2010				\$54.08	
		101	40800	2180				\$6.05	\$274.89
		225	43510	2170				\$184.68	
		101	42050	2010				\$28.17	
Office Depot	Record Storage Labels	101	40500	2010				\$35.58	
Office Depot	General Office Supplies	101	44100	2010				\$59.89	\$133.38
		101	42050	2010				\$73.49	
Office Depot	General Office Supplies	220	43800	2010				\$29.03	
		270	40250	2180				\$13.25	\$42.28
Office Depot	Cleaning Supply	101	40800	2180				\$5.96	
Power Music, Inc	Winter 2012 Group Fitness Music	225	43530	2170				\$59.85	\$59.85
Total of all invoices:									\$125,076.48

COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line Amount	Invoice Amt
ABLE HOSE & RUBBER INC.	HOSE COUPLER REPAIR FOR FILL HOSE ON 607	701	46500	2220			\$33.67	\$33.67
ABM EQUIPMENT & SUPPLY INC	EQUIPMENT PARTS FOR CAMERA ON VAC CON	701	46500	2220			\$1,475.74	\$1,475.74
AGGRESSIVE HYDRAULICS, INC	WING PLOW REPAIR 208	701	46500	2220			\$487.06	\$487.06
ALLEN, DEANNE	EDA MINUTES - 1/9/12	240	44400	3190			\$200.00	\$200.00
ALLEN, DEANNE	MINUTES - 1/17/12 CC	101	40200	3190			\$200.00	\$200.00
ALLEN, DEANNE	MINUTES - PC 12/6/11	101	44100	3190			\$150.00	\$150.00
AMERI PRIDE LINEN & APPAREL SE	UNIFORM RENTAL PARKS	101	43710	3970			\$59.35	\$59.35
AMERI PRIDE LINEN & APPAREL SE	UNIFORM RENTAL CC	220	43800	3970			\$45.68	\$45.68
AMERI PRIDE LINEN & APPAREL SE	UNIFORM RENTALS - MAINTENANCE CENTER	101	42200	3970			\$42.39	\$169.55
		601	45050	3970			\$42.39	
		602	45550	3970			\$42.39	
		603	45850	3970			\$21.19	
		701	46500	3970			\$21.19	
AMERI PRIDE LINEN & APPAREL SE	UNIFORM RENTAL PARKS	101	43710	3970			\$59.35	\$59.35
AMERI PRIDE LINEN & APPAREL SE	UNIFORM RENTAL CC	220	43800	3970			\$45.68	\$45.68
AMERI PRIDE LINEN & APPAREL SE	UNIFORM RENTAL PARKS	101	43710	3970			\$59.35	\$59.35
AMERI PRIDE LINEN & APPAREL SE	UNIFORM RENTAL CC	220	43800	3970			\$45.68	\$45.68
AMERI PRIDE LINEN & APPAREL SE	UNIFORM RENTALS - MAINTENANCE CENTER	101	42200	3970			\$42.39	\$169.55
		601	45050	3970			\$42.39	
		602	45550	3970			\$42.39	
		603	45850	3970			\$21.19	
		701	46500	3970			\$21.19	
AMERI PRIDE LINEN & APPAREL SE	UNIFORM RENTAL PARKS	101	43710	3970			\$59.35	\$59.35
AMERI PRIDE LINEN & APPAREL SE	UNIFORM RENTAL CC	220	43800	3970			\$45.68	\$45.68
AMERI PRIDE LINEN & APPAREL SE	UNIFORM RENTALS - MAINTENANCE CENTER	101	42200	3970			\$42.39	\$169.55
		601	45050	3970			\$42.39	
		602	45550	3970			\$42.39	
		603	45850	3970			\$21.19	
		701	46500	3970			\$21.19	
AMSAN BRISSMAN KENNEDY	CLEANING SUPPLIES CC	220	43800	2110			\$2,497.92	\$2,497.92
AMSAN BRISSMAN KENNEDY	CLEANING SUPPLIES CC	220	43800	2110			\$2,024.83	\$2,024.83
AMSAN BRISSMAN KENNEDY	CLEANING SUPPLIES CC	220	43800	2110			\$2,354.28	
AMSAN BRISSMAN KENNEDY	CLEANING SUPPLIES CC	220	43800	2110			\$2,190.13	\$2,190.13
AMSAN BRISSMAN KENNEDY	CLEANING SUPPLIES CC	220	43800	2110			\$164.10	\$164.10
ANIMAL CONTROL SERVICES	BOARDING FEES	101	41100	3199			\$268.02	\$268.02
ASSOCIATION OF MN EMERGENCY MA	2012 ANNUAL DUES	101	41500	4330			\$100.00	\$100.00
AUTO PLUS	REFILL PROPANE TANKS/LESS CREDIT	701	46500	2140			\$60.89	\$48.69
		701	46500	2140			-\$12.20	
AUTO PLUS	FUEL ADDITIVE FOR 209	701	46500	2130			\$12.77	\$12.77
AWARDS BY HAMMOND INC	PLAQUES - FELDSIEN AND MONS	101	40200	4890			\$241.30	
BARSNESS, KIRSTIN	JANUARY 2012 ECON DEV CONSULTING	240	44400	4890			\$2,493.75	\$4,241.87
		101	22020				\$1,135.62	
		101	22020				\$262.50	
		307	44100	4890			\$350.00	
BEISSWENGERS HARDWARE	RAKES, POST HOLE DIGGER HANDLES, BOARD	101	42200	2400			\$61.76	
		701	46500	2183			\$23.91	\$85.67
BEISSWENGERS HARDWARE	REPAIR SUPPLIES CC	220	43800	3970			\$2.95	\$2.95
BEISSWENGERS HARDWARE	REPAIR SUPPLIES CC	220	43800	2240			\$14.39	\$14.39
BEISSWENGERS HARDWARE	REPAIR SUPPLIES CC	220	43800	2240			\$19.23	\$19.23
BRADLEY & DEIKE, PA	SOUTHVIEW SENIOR LIVING	101	22020				\$1,122.00	\$1,122.00
BRADLEY & DEIKE, PA	STONEHENGE	101	22020				\$306.00	\$306.00

COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line Amount	Invoice Amt
BRAKE & EQUIPMENT WAREHOUSE	BRAKES AND ROTOR FOR UNIT 304	701	46500	2220			\$232.89	
BRIN NORTHWESTERN GLASS CO. IN	REPAIRS TO PLAYROOM DOORS CC	220	43800	3810			\$191.57	\$191.57
C & E HARDWARE	PAINTING SUPPLIES FOR EQUIPMENT	701	46500	2180			\$72.77	\$72.77
C & E HARDWARE	SPRAY FOAM FOR WELLS HOUSE	601	45050	2280			\$9.63	\$9.63
C & E HARDWARE	STORM PIPE SUPPLIES	603	45850	2180			\$21.21	
C & E HARDWARE	ROPE AND BUNGEE CORDS	602	45550	2280			\$36.73	\$36.73
C & E HARDWARE	SHOP SUPPLIES	701	46500	2180			\$21.39	\$21.39
C & E HARDWARE	SHOP SUPPLIES	701	46500	2180			\$9.84	\$9.84
C & E HARDWARE	SHOP SUPPLIES	701	46500	2180			\$11.86	\$11.86
C & E HARDWARE	SHOP SUPPLIES	701	46500	2180			\$10.72	\$10.72
C & E HARDWARE	MISC. SUPPLIES	701	46500	2180			\$20.69	\$20.69
CAPRA'S UTILITIES	SPLIT COST OF SEWER REPAIR 989 CARLTON	602	45550	3190			\$1,737.50	\$1,737.50
CATCO PARTS SERVICE	SHOP SUPPLIES	701	46500	2180			\$111.89	\$111.89
CATCO PARTS SERVICE	PARTS FOR 215	701	46500	2220			\$3,746.25	\$3,746.25
CBIZ FINANCIAL SOLUTIONS, INC	PROF SERVICES/REBA	101	40210	3190			\$65.89	\$65.89
CDW GOVERNMENT, INC	AC ADAPTER	101	40550	2010			\$57.58	\$57.58
CDW GOVERNMENT, INC	DYMO LABELER FOR WORK ROOM	101	40550	2180			\$248.18	\$248.18
CERTIFIED LABORATORIES	REPAIR SUPPLIES CC	220	43800	2240			\$350.40	\$350.40
COMPONENT FABRICATORS INC.	KETTLEBELLS AND 2 STORAGE RACKS	225	43530	2170			\$1,290.16	\$1,290.16
COORDINATED BUSINESS SYSTEMS	MITA LASER MONTHLY MAINTENANCE	101	40550	3860			\$233.63	\$233.63
DYNAMIX MUSIC	WINTER 2012 FITNESS CLASS MUSIC	225	43530	2170			\$140.95	\$140.95
FRANK CONSTRUCTION SUPPLY INC	EQUIPMENT PARTS	701	46500	2220			\$54.77	\$54.77
JROTHERS & SONS INC.	STORM POND SUPPLIES	603	45850	2180			\$2,370.49	\$2,370.49
FACTORY MOTOR PARTS COMPANY	2 BATTERIES FOR UNIT 208	701	46500	2220			\$243.13	\$243.13
FERGUSON WATERWORKS	LOCATOR FOR REPAIR	601	45050	2280			\$218.34	\$218.34
GOPHER STATE ONE-CALL	ANNUAL FEE	601	45050	3190			\$25.00	\$100.00
		602	45550	3190			\$25.00	
		603	45850	3190			\$25.00	
		604	42600	3190			\$25.00	
GRAINGER, INC.	BATTERIES	601	45050	2280			\$57.27	
GRAINGER, INC.	SHOP TOOLS CC	220	43800	2400			\$15.53	\$15.53
GRAINGER, INC.	SHOP TOOLS CC	220	43800	2400			\$92.62	\$92.62
GRAINGER, INC.	REPAIR SUPPLIES CC	220	43800	2240			\$174.36	\$174.36
GRAINGER, INC.	REPAIR SUPPLIES CC	220	43800	2240			\$505.70	\$505.70
GRAINGER, INC.	REPAIR SUPPLIES CC	220	43800	2240			\$122.03	\$122.03
H & L MESABI, INC.	PLOW BLADES	701	46500	2180			\$1,794.39	\$1,794.39
H & L MESABI, INC.	PLOW BLADES	701	46500	2220			\$371.93	\$371.93
HAWKINS, INC.	POOL/WHIRLPOOL CHEMICALS	220	43800	2160			\$1,616.33	\$1,616.33
HAWKINS, INC.	POOL CHEMICALS	220	43800	2160			\$884.41	\$884.41
HEWLETT-PACKARD COMPANY	PC REPLACEMENTS	422	40550	5800			\$1,166.59	\$1,166.59
HIGH POINT NETWORKS, LLC	EXTREME NETWORK SWITCHES MAINTENANCE	101	40550	3860			\$9,620.27	\$9,620.27
HOMELAND SECURITY & EMERGENCY	2012 HOMELAND SECURITY CONFERENCE	101	41500	4500			\$300.00	\$300.00
HOTSYS EQUIPMENT CO	SOAP FOR HOTSYS EQUIPMENT WASH SYSTEM	701	46500	2183			\$376.15	\$376.15
I-STATE TRUCK CENTER	PARTS FOR 203	701	46500	2220			\$45.35	\$45.35
I-STATE TRUCK CENTER	PARTS FOR 208	701	46500	2220			\$19.62	\$19.62
INDUSTRIAL DOOR COMPANY, INC	GARAGE DOOR SERVICE CALL	701	46500	3196			\$182.50	\$182.50
INSTRUMENTAL RESEARCH INC	MONTHLY SAMPLES	601	45050	3190			\$288.00	
IOWA STATE POWER SYSTEMS, INC	ROUTINE SERVICE TO STAND BY GENERATOR	601	45050	3190			\$443.50	\$443.50
J. L. ELLIS & ASSOCIATES, INC	RENEWAL INSTRUCTOR COURSE/LICENSES	220	43800	4500			\$927.00	\$927.00
KILLMER ELECTRIC COMPANY, INC	THIRD PAYMENT LIFT STATION PROJECT 10-02	441	47000	5900			\$25,555.00	\$25,555.00
L T G POWER EQUIPMENT	CHAIN SAW PARTS	701	46500	2220			\$17.05	\$17.05

COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line Amount	Invoice Amt
LAB SAFETY SUPPLY	CLEANING SUPPLIES CC	220	43800	2110			\$226.25	\$226.25
LIFEGUARD STORE, THE	RESCUE TUBES	220	43800	2200			\$537.60	\$537.60
LIFEGUARD STORE, THE	RAFTS AND DIVING ANIMALS	225	43520	2170			\$341.00	\$341.00
LIFEGUARD STORE, THE	DIVING RINGS	225	43520	2170			\$132.50	\$132.50
LTECH CONSULTING, LLC	POSTINI EMAIL USER ADDITION	101	40550	3860			\$33.00	\$33.00
MCMASTER CARR SUPPLY CO	REPAIR SUPPLIES CC	220	43800	2240			\$589.09	\$589.09
MENARDS	SHOP LIGHT FOR OVER BENCH	701	46500	2183			\$74.80	\$74.80
MENARDS CASHWAY LUMBER **FRIDL	FURNACE FILTERS	101	43710	2240			\$49.03	\$49.03
MENARDS CASHWAY LUMBER **FRIDL	REPAIR SUPPLIES CC	220	43800	2240			\$147.36	\$147.36
MENARDS CASHWAY LUMBER **FRIDL	SHELVING FOR MEZZANINE	701	46500	2183			\$140.78	\$140.78
MENARDS CASHWAY LUMBER **FRIDL	PAINT ROLLERS	101	43710	2240			\$8.54	\$8.54
MENARDS CASHWAY LUMBER **FRIDL	SHOP BINS AND SUPPLIES ORGANIZERS	701	46500	2183			\$53.43	\$53.43
MENARDS CASHWAY LUMBER **FRIDL	TREATED LUMBER FOR STORM POND STRUCTURES	603	45850	2180			\$52.29	\$52.29
MENARDS CASHWAY LUMBER **FRIDL	DOOR KICK	601	45050	2280			\$15.38	\$15.38
MENARDS CASHWAY LUMBER *MAPLEW	SIGN SUPPLIES	101	42200	2180			\$56.28	\$56.28
METROPOLITAN EMERGENCY MANAGER	MEMBERSHIP DUES	101	41500	4330			\$40.00	\$40.00
MIDWEST OVERHEAD CRANE CORP	ANNUAL HOIST INSPECTION AND REPAIRS	701	46500	3196			\$576.82	\$576.82
MINNESOTA DEPT OF PUBLIC SAFET	HAZARDOUS CHEMICAL INVENTORY FEE BOOSTER	601	45050	2160			\$100.00	\$100.00
MINNESOTA DEPT OF PUBLIC SAFET	HAZARDOUS CHEMICAL INVENTORY FEE WELL 6	601	45050	2160			\$100.00	\$100.00
MTI DISTRIBUTING, INC	BALL JOINT FOR TORO 1	701	46500	2220			\$86.55	\$86.55
MTI DISTRIBUTING, INC	PARTS FOR TORO MOWER	701	46500	2220			\$31.73	\$31.73
MTI DISTRIBUTING, INC	PARTS FOR TORO 2	701	46500	2220			\$76.02	\$76.02
MTI DISTRIBUTING, INC	PARTS FOR TORO 2	701	46500	2220			\$81.77	\$81.77
MUNICIPAL LEGISLATIVE COMMISSI	2012 ANNUAL DUES	101	40100	4330			\$6,260.75	\$6,260.75
MUSKA LIGHTING CENTER	BULBS FOR MAINTENANCE CENTER LIGHTING	701	46500	2183			\$218.00	\$218.00
NAHRO	MEMBERSHIP - 2/1/12 - 1/31/13	241	44500	4330			\$210.00	\$210.00
NAPA AUTO PARTS	SPARK PLUGS FOR SMALL ENGINES	701	46500	2180			\$10.24	\$10.24
NAPA AUTO PARTS	AUTO FUSES FOR SUPPLIES	701	46500	2180			\$44.17	\$44.17
NAPA AUTO PARTS	DOOR STRUTS FOR UNIT 308	701	46500	2220			\$66.18	\$66.18
NAPA AUTO PARTS	FLEX TUBE FOR EXHAUST ON UNIT 206	701	46500	2220			\$63.05	\$63.05
NAPA AUTO PARTS	PARTS FOR 303	701	46500	2220			\$9.05	\$9.05
NATIONAL INDEPENDENT HEALTH CL	MEMBERSHIP FEE	220	43800	4330			\$272.20	\$272.20
NORTH AMERICAN SALT COMPANY	ROAD SALT	101	42200	2181			\$1,692.46	\$1,692.46
NORTH AMERICAN SALT COMPANY	ROAD SALT	101	42200	2181			\$22,065.54	\$22,065.54
NORTH STAR MINI STORAGE	6 MONTHS	270	40250	3190			\$855.00	\$855.00
NORTHERN ELECTRICAL CONTRACTOR	REPAIRS TO WAVE AND CC OFFICES	220	43800	3810			\$1,358.50	\$1,358.50
O'DAY EQUIPMENT, LLC	FUEL SYSTEM AIM UNITS	701	46500	2220			\$95.20	\$95.20
OFFICE DEPOT	DVD SUPPLIES	101	40550	2010			\$35.22	\$35.22
OFFICE DEPOT	GENERAL OFFICE SUPPLIES	101	40200	2010			\$331.51	\$338.99
		101	40500	2010			\$7.48	
OFFICE DEPOT	GENERAL OFFICE SUPPLIES	101	40200	2010			\$804.32	
		101	44100	2010			\$8.15	\$1,082.38
		101	43400	2010			\$124.47	
		225	43560	2170			\$107.48	
		225	43555	2170			\$37.96	
ON SITE SANITATION INC	BUCHER PORTABLE SERVICES	101	43710	3950			\$48.54	\$48.54
ON SITE SANITATION INC	MCCULLOUGH PORTABLE SERVICES	101	43710	3950			\$48.54	\$48.54
ON SITE SANITATION INC	SHAMROCK PORTABLE SERVICES	101	43710	3950			\$48.54	\$48.54
ON SITE SANITATION INC	SITZER PORTABLE SERVICES	101	43710	3950			\$68.54	\$68.54
ON SITE SANITATION INC	THEISEN PORTABLE SERVICES	101	43710	3950			\$68.54	\$68.54
ON SITE SANITATION INC	WILSON PORTABLE SERVICES	101	43710	3950			\$48.54	\$48.54

COUNCIL REPORT

Vendor Name	Description	FF	GG	OO	AA	CC	Line Amount	Invoice Amt
OPTIMUM MECHANICAL SYSTEMS, IN	SERVICE CALL FOR HVAC SYSTEM	701	46500	3196			\$190.00	\$190.00
OPTIMUM MECHANICAL SYSTEMS, IN	REPLACED TRANSFORMER IN FURNACE	701	46500	3196			\$245.00	\$245.00
PARTS ASSOCIATES, INC.	SHOP SUPPLIES	701	46500	2180			\$547.86	\$547.86
PERMITWORKS	PERMITWORKS ANNUAL MAINTENANCE	101	40550	3860			\$4,546.67	
PLUMMASTER, INC	REPAIR SUPPLIES CC	220	43800	2240			\$343.48	\$343.48
POWER SYSTEMS	GRP FIT EQUIP: 5LB&7LB WEIGHTS,VERSACUFF	225	43530	2170			\$317.38	\$317.38
PRESS PUBLICATIONS	LEGAL NOTICE	101	40200	3360			\$51.75	\$51.75
PRO-TEC DESIGN	MILESTONE SOFTWARE ANNUAL MAINT	101	40550	3860			\$2,392.53	\$2,392.53
PRO-TEC DESIGN	JOHNSON CONTROLS SOFTWARE MAINTENANCE	101	40550	3860			\$2,319.41	\$2,319.41
PRODUCTION 101, INC	SUPERSITTER BOOKS (70)	225	43580	2170			\$359.00	\$359.00
QUALITY CONTROL & INTEGRATION,	LEVEL MONITORING SENSOR FOR SCADA	601	16500				\$3,056.63	\$3,056.63
QUALITY FLOW SYSTEMS INC	RELAY LIFT STATION	602	45550	2282			\$155.18	\$155.18
RAMSEY CO.LEAGUE OF LOCAL GOVE	2012 MEMBERSHIP DUES	101	40100	4330			\$1,000.00	\$1,000.00
RAMSEY COUNTY	DECEMBER 2011 FLEET SUPPORT FEE	101	41500	3890			\$35.84	\$35.84
RAMSEY COUNTY	LAW ENFORCEMENT - JANUARY 2012	101	41100	3190			\$153,395.28	\$153,395.28
RAMSEY COUNTY	911 SERVICES - JANUARY 2012	101	41100	3198			\$8,062.67	\$8,062.67
RAPID ELECTRIC, LLC	REPAIR OF AIR COMPRESSORS	701	46500	3196			\$186.00	\$186.00
REASON COMPUTER INC	PARTS REPLACEMENT	101	40550	2180			\$32.06	\$32.06
SCHINDLER ELEVATOR CORPORATION	PREVENTIVE MAINTENANCE CONTRACT ELEVATOR	701	46500	3196			\$390.00	\$390.00
SPRINT	CELL SERVICE - 12/15 - 1/14/12	601	45050	3190			\$220.00	\$942.23
		101	44300	3190			\$40.00	
		101	40200	3210			\$682.23	
PAUL, CITY OF	ASPHALT	101	42200	2180			\$65.60	\$65.60
ST. PAUL, CITY OF	ASPHALT	101	42200	2180			\$65.60	\$65.60
STANTEC CONSULTING SERVICES IN	ENGINEER FEES FOR CHILLER PROJECT	405	40800	3810			\$1,165.00	\$1,165.00
STRAIGHT LINE HYDRANT MARKERS	HYDRANT FLAGS	601	45050	2280			\$598.70	\$598.70
TARGET COMMERCIAL INVOICE	SENIOR SUPPLIES	225	43590	2174			\$103.56	
TERMINAL SUPPLY CO	TRACING WIRE FOR UNDERGROUND CULVERT	603	45850	2180			\$61.97	\$61.97
THE ROCKIN' HOLLYWOODS	SLICE OF SV	270	40250	3190			\$1,825.00	\$1,825.00
TRANSPORTATION SUPPLIES INC	TOOLS	701	46500	2400			\$167.68	\$167.68
TRUENORTH STEEL	CULVERT SEGMENTS FOR STORM PONDS	603	45850	2180			\$513.21	\$513.21
TWIN CITY SAW & SERVICE CO	CHAIN SAW PARTS	701	46500	2220			\$82.10	\$82.10
TWIN SOURCE SUPPLY	GARBAGE LINERS	701	46500	2183			\$109.85	\$109.85
UNIDESK CORPORATION	VIRTUAL DESKTOP MGMT SOFTWARE	422	40550	5800			\$7,050.00	\$7,050.00
VAN PAPER COMPANY	TRASH BAGS FOR PARKS	101	43710	2110			\$78.57	\$78.57
VIKING ELECTRIC SUPPLY INC	LENS COVERS FOR WILSON & SITZER BLDGS	101	43710	2240			\$184.66	\$184.66
WURST, ANDREW	REIMBURSEMENT FOR BODY MSMT TAPE	225	43530	2170			\$5.55	\$5.55
YALE MECHANICAL INC	CHILLER REPLACEMENT PROJECT	405	40800	3810			\$3,093.85	\$3,093.85
YALE MECHANICAL INC	REPAIRS TO HVAC SYSTEM	220	43800	3810			\$284.00	\$284.00
YALE MECHANICAL INC	REPAIRS TO POOL AHU	220	43800	3810			\$392.50	\$392.50
YOCUM OIL COMPANY INC.	DEISEL FUEL FOR ON-ROAD TANK	701	46500	2120			\$4,327.20	\$4,327.20
YOCUM OIL COMPANY INC.	UNLEADED FUEL FOR MAINT. CENTER EQUIP.	701	46500	2120			\$4,121.55	\$4,121.55
ZIEGLER, INCORPORATED	CUTTING EDGE NUTS AND BOLTS FOR CAT287	701	46500	2220			\$81.12	\$81.12

Total of all invoices: \$316,858.08

=====

Purchase Voucher

City of Shoreview
4600 Victoria Street North
Shoreview MN 55126

2011

Vendor number	10206 1
Vendor name	XCEL ENERGY
Address	PO BOX 9477 MINNEAPOLIS MN 55484-9477

THIS IS AN EARLY CHECK, PLACE VOUCHER IN EARLY CHECK FILE

Return to:

Voucher	Date	Comment line on check	Invoice number	Account coding	Amount
25,827	01-16-12	ELECTRIC/GAS: COMMUNITY CENTER	5148429483	220 43800 2140 220 43800 3610 VOUCHER TOTAL:	6,080.41 14,737.83 \$20,818.24
25,834	01-09-12	ELECTRIC: STREET LIGHTS	5164964189	604 42600 3610	\$15,679.89
25,830	01-10-12	ELECTRIC/GAS: MAINTENANCE CENTER	5143177739	701 46500 3610 701 46500 2140 VOUCHER TOTAL:	3,062.39 5,881.11 \$8,943.50
25,835	01-13-12	ELECTRIC: TRAFFIC SIGNALS	5162326923	101 42200 3610	\$647.98
25,829	01-10-12	ELECTRIC: STORM SEWER LIFT STATIONS	5172997607	603 45850 4890	\$124.96
25,837	01-09-12	ELECTRIC: SIRENS	5155157183	101 41500 3610	\$61.12
25,801	01-09-12	ELECTRIC: SURFACE WATER	5141595140	603 45900 3610	\$45.98
25,840	01-09-12	ELECTRIC: SURFACE WATER FUND	5194231539	603 45900 3610	\$38.72

20,818.24 +
15,679.89 +
8,943.50 +
647.98 +
124.96 +
61.12 +
45.98 +
38.72 +
46,360.39 T

Total: 46,360.39

Is sales tax included on invoice?	Included
If no, amount subject to sales use tax	\$
<p>Reviewed by: <u>Debbie Engblom</u> (signature required) Debbie Engblom</p> <p>Approved by: <u>Terry Schwerm</u> (signature required) Terry Schwerm</p>	

0.00 T

Purchase Voucher

City of Shoreview
4600 Victoria Street North
Shoreview MN 55126

Voucher Number	25,859
Vendor number	01171 1 2012
Vendor name	METROPOLITAN COUNCIL ENVIRONMENTAL
Address	SERVICES 390 NORTH ROBERT STREET ST. PAUL MN 55101

Date	Comment line on check	Invoice number	Amount
01-30-12	SAC CHARGES FOR DECEMBER 2011	12/2011	\$126,128.80

THIS IS AN EARLY CHECK, PLACE VOUCHER IN EARLY CHECK FILE

123631.20

Return to:	
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This Purchase Voucher is more than \$25,000.00; was the state's cooperative venture considered before purchasing through another source?

[] 126,128.80 * r

0 * *

[] 124,880.00 +
1,248.80 -
123,631.20 * +

[x]

not apply.

Account Coding	Amount
602 20840	\$124,880.00
602 34060	- \$1,248.80

123631.20
11-11-17

Is sales tax included on invoice?	Not Taxable
If no, amount subject to sales use tax	\$
Reviewed by: (signature required) Charlie Grill	
Approved by: (signature required) Terry Schwerm	

Two quotes must be attached to purchase voucher for all purchases between \$10,000 and \$50,000. If no quote is received, explain below:

Quote 1	
Quote 2	
Explanation if no quote received	

Purchase Voucher

City of Shoreview
4600 Victoria Street North
Shoreview MN 55126

Voucher Number	25,817
Vendor number	00300 1 2012
Vendor name	KILLMER ELECTRIC COMPANY, INC
Address	5141 LAKELAND AVENUE N CRYSTAL, MN 55429

Date	Comment line on check	Invoice number	Amount
01-19-12	THIRD PAYMENT LIFT STATION PROJECT 10-02	18331-3	\$25,555.00

THIS IS AN EARLY CHECK, PLACE VOUCHER IN EARLY CHECK FILE

This Purchase Voucher is more than \$25,000.00; was the state's cooperative venture considered before purchasing through another source?

☐ Purchase was made through the state's cooperative purchasing venture.

☐ Purchase was made through another source. The state's cooperative purchasing venture was considered.

☒ Cooperative purchasing venture consideration requirement does not apply.

Return to: _____

Account Coding	Amount
441 47000 5900	\$25,555.00

Is sales tax included on invoice?	Included
If no, amount subject to sales use tax	\$
Reviewed by: (signature required) Dan Curley	C
Approved by: (signature required) Terry Schwerm	

Two quotes must be attached to purchase voucher for all purchases between \$10,000 and \$50,000.
If no quote is received, explain below:

Quote 1	
Quote 2	
Explanation if no quote received	

Purchase Voucher

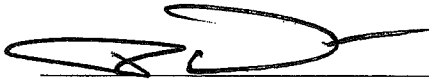

City of Shoreview
4600 Victoria Street North
Shoreview MN 55126

Voucher Number	25,787
Vendor number	03049 1 2012
Vendor name	NORTH AMERICAN SALT COMPANY
Address	P.O. BOX 277043 ATLANTA GA 30384-7043

Date	Comment line on check	Invoice number	Amount
01-09-12	309.12 TONS OF SALT	70782861	\$22,065.54

--

Account Coding	Amount
101 42200 2181	\$22,065.54

Is sales tax included on invoice?	Included
If no, amount subject to sales use tax	\$
Reviewed by:  (signature required) Patt Dunn	
Approved by:  (signature required) Terry Schwerm	

Two quotes must be attached to purchase voucher
for all purchases between \$10,000 and \$50,000.
If no quote is received, explain below:

Quote 1	
Quote 2	
Explanation if no quote received	

Purchase Voucher

City of Shoreview
4600 Victoria Street North
Shoreview MN 55126

Voucher Number	25,571
Vendor number	01337 2 2012
Vendor name	RAMSEY COUNTY
Address	90 PLATO BLVD W. PO BOX 64097 ST. PAUL MN 55164-0097

Date	Comment line on check	Invoice number	Amount
01-13-12	LAW ENFORCEMENT - JANUARY 2012	SHRFL-001106	\$153,395.28

This Purchase Voucher is more than \$25,000.00; was the state's cooperative venture considered before purchasing through another source?

[] Purchase was made through the state's cooperative purchasing venture.

[] Purchase was made through another source. The state's cooperative purchasing venture was considered.

[X] Cooperative purchasing venture consideration requirement does not apply.

Account Coding	Amount
101 41100 3190	\$153,395.28

Is sales tax included on invoice?	Not Taxable /
If no, amount subject to sales use tax	\$
Reviewed by: <u>Terri Hoffard</u> (signature required) Terri Hoffard	
Approved by: <u>TSS</u> (signature required) Terry Schwerm	

Two quotes must be attached to purchase voucher for all purchases between \$10,000 and \$50,000.
If no quote is received, explain below:

Quote 1	
Quote 2	
Explanation if no quote received	

LICENSE APPLICATIONS

Moved by Councilmember

Seconded by Councilmember

To approve the License Applications as listed on the attached report dated February 07, 2012.

ROLL CALL:	AYES	NAYS
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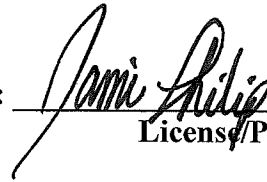
Huffman	<hr/>	<hr/>
Quigley	<hr/>	<hr/>
Wickstrom	<hr/>	<hr/>
Withhart	<hr/>	<hr/>
Martin	<hr/>	<hr/>

February 07, 2012
Regular Council Meeting

CITY OF SHOREVIEW - LICENSE APPLICATIONS
February 07, 2012

<u>LICENSE #</u>	<u>BUSINESS NAME</u>	<u>TYPE</u>
12-00010	Langer's Tree Service LLC	Tree License

The above licenses are recommended for approval:



License/Permit Clerk

PROPOSED MOTION

MOVED BY COUNCILMEMBER _____

SECONDED BY COUNCILMEMBER _____

To approve Resolution No. 12-07 assessing the administrative penalty of \$250 to Rainbow Foods for a tobacco license violation in accordance with the City Code; and to approve Resolution No. 12-08 assessing the administrative penalty of \$50 to Julie Brommer, the store clerk who sold tobacco to a minor.

ROLL CALL: AYES _____ NAYS _____

HUFFMAN _____

QUIGLEY _____

WICKSTROM _____

WITHHART _____

MARTIN _____

Regular Council Meeting
February 6, 2012

TO: MAYOR AND COUNCILMEMBERS

**FROM: TERRI HOFFARD
DEPUTY CLERK**

DATE: JANUARY 30, 2012

**SUBJECT: ADOPTION OF ADMINISTRATIVE PENALTIES FOR TOBACCO
LICENSE VIOLATIONS—RAINBOW FOODS AND JULIE
BROMMER**

INTRODUCTION

The City Council is being asked to approve administrative penalties for tobacco violations at Rainbow Foods, 441 Highway 96.

BACKGROUND

On Friday, December 23, 2011, the Ramsey County Sheriff's Department conducted tobacco compliance checks on license holders in Shoreview. Rainbow Foods failed their tobacco compliance check when an employee, Julie Brommer, sold tobacco to a minor. This is a violation of Section 706 of the Shoreview Municipal Code. The City regulations state that any violation of the restrictions attached to a Tobacco License shall be cause for administrative penalty, suspension of the license or revocation of the license.

The first such violation within 24 months subjects the licensee to a \$250 fine and one additional compliance check. The store clerk making the sale is subjected to a fine of \$50 for the first violation within 24 months. The Sheriff's Department will be conducting an additional compliance check at Rainbow Foods in the near future.

Edward Kitz, Vice President/Secretary/Treasurer of RBC, LLC of Wisconsin (dba Rainbow Foods) and Julie Brommer, the clerk who made the sale, have elected to sign the Agreement for Administrative Penalty form admitting to the facts of the violations, accepting the administrative penalties, and waiving their rights to a hearing on this matter before the Shoreview City Council. Julie Brommer has already paid her fine.

RECOMMENDATION

Based on the foregoing information, it is recommended that the City Council adopt Resolution No. 12-07 approving the administrative penalty of \$250 for Rainbow Foods; and to adopt Resolution No. 12-08 approving the administrative penalty of \$50 for Julie Brommer.

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF SHOREVIEW, MINNESOTA
HELD FEBRUARY 6, 2012**

* * * * *

Pursuant to due call and notice thereof, a meeting of the City Council of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City on February 6, 2012 at 7:00 p.m.

The following members were present:

And the following members were absent:

Member introduced the following resolution and moved its adoption.

RESOLUTION NO. 12-07

**RESOLUTION APPROVING TOBACCO LICENSE
ADMINISTRATIVE PENALTY FOR RAINBOW FOODS**

WHEREAS, Rainbow Foods has a Tobacco License from the City of Shoreview;
and

WHEREAS, on Friday, December 23, 2011 the Ramsey County Sheriff's Department conducted a tobacco compliance check of Rainbow Foods, 441 W. Highway 96, Shoreview, Minnesota; and

WHEREAS, Rainbow Foods failed the tobacco compliance check when an employee from their store sold tobacco to a minor; and

WHEREAS, this is the first violation within 24 months for Rainbow Foods; and

WHEREAS, the first violation within 24 months subjects the licensee to the payment of an administrative penalty of \$250 and one additional compliance check; and

WHEREAS, Rainbow Foods has signed the Agreement for Administrative Penalty form admitting to the facts of the violation, accepting and paying the administrative penalty, and waiving their rights to a hearing on this matter before the Shoreview City Council.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Shoreview, Minnesota does hereby make the following assessment of the Administrative Penalty of \$250 and one (1) additional compliance check to Rainbow Foods, 441 W. Highway 96 for failing a tobacco compliance check on December 23, 2011.

The motion of the foregoing resolution was duly seconded by Member and upon a vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

WHEREUPON, said resolution was declared duly passed and adopted the 6th day of February 2012.

STATE OF MINNESOTA)

COUNTY OF RAMSEY)

CITY OF SHOREVIEW)

I, the undersigned, being the duly qualified City Manager of the City of Shoreview of Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of said City Council on the 6th day of February, 2012, with the original thereof on file in my office and the same is full, true and complete transcript therefrom insofar as the same relates to the Tobacco License Administrative Penalty for Rainbow Foods.

WITNESS MY HAND officially as such City Manager and the corporate seal of the City of Shoreview, Minnesota this 7th day of February, 2012.

Terry C. Schwerm, City Manager

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF SHOREVIEW, MINNESOTA
HELD FEBRUARY 6, 2012**

* * * * *

Pursuant to due call and notice thereof, a meeting of the City Council of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City on February 6, 2012, at 7:00 p.m.

The following members were present:

And the following members were absent:

Member introduced the following resolution and moved its adoption.

RESOLUTION NO. 12-08

**RESOLUTION APPROVING TOBACCO LICENSE
ADMINISTRATIVE PENALTY FOR JULIE BROMMER**

WHEREAS, Rainbow Foods has a Tobacco License from the City of Shoreview;
and

WHEREAS, on Friday, December 23, 2011, the Ramsey County Sheriff's Department conducted a tobacco compliance check of Rainbow Foods, 441 W. Highway 96, Shoreview, Minnesota; and

WHEREAS, Rainbow Foods failed the tobacco compliance check when Julie Brommer sold tobacco to a minor; and

WHEREAS, the first violation within 24 months subjects the individual seller to the payment of an administrative penalty of \$50; and

WHEREAS, Julie Brommer has signed the Agreement for Administrative Penalty form admitting to the facts of the violation, accepting and paying the administrative penalty, and waiving her rights to a hearing on this matter before the Shoreview City Council.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Shoreview, Minnesota does hereby make the following assessment of the Administrative Penalty of \$50 to Julie Brommer, 375 Thomas Street, Lino Lakes, MN for failing a tobacco compliance check on December 23, 2011.

The motion of the foregoing resolution was duly seconded by Member and upon a vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

WHEREUPON, said resolution was declared duly passed and adopted the 6th day of February, 2012.

STATE OF MINNESOTA)

COUNTY OF RAMSEY)

CITY OF SHOREVIEW)

I, the undersigned, being the duly qualified City Manager of the City of Shoreview of Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of said City Council on the 6th day of February, 2012 with the original thereof on file in my office and the same is full, true and complete transcript therefrom insofar as the same relates to the Tobacco License Administrative Penalty for Julie Brommer.

WITNESS MY HAND officially as such City Manager and the corporate seal of the City of Shoreview, Minnesota this 7th day of February, 2012.

Terry C. Schwerm, City Manager

PROPOSED MOTION

MOVED BY COUNCILMEMBER _____

SECONDED BY COUNCILMEMBER _____

to authorize the purchase of a 2012 MacLean MV-Municipal Vehicle with a “V-plow” and snow blower attachments through the State of Minnesota contract in the amount of \$126,064.41, pursuant to the Capital Improvements Program and approved 2012 Annual Budget.

ROLL CALL:	AYES	NAYS
HUFFMAN	_____	_____
QUIGLEY	_____	_____
WICKSTROM	_____	_____
WITHHART	_____	_____
MARTIN	_____	_____

REGULAR COUNCIL MEETING
FEBRUARY 6, 2012

TO: MAYOR, CITY COUNCIL, CITY MANAGER

FROM: MARK J. MALONEY, PUBLIC WORKS DIRECTOR

DATE: FEBRUARY 6, 2012

SUBJ: AUTHORIZATION TO PURCHASE THE REPLACEMENT
OF A 4-WHEEL DRIVE ARTICULATED SIDEWALK TRACTOR

INTRODUCTION

Shoreview's adopted Capital Improvements Program includes the scheduled replacement of a 1998 4-Wheel Drive Articulated Sidewalk Tractor. City Council approval is necessary at this time for authorization to purchase a new unit of similar size and capabilities. The new unit will be purchased through the State of Minnesota Cooperative Purchasing Venture contract #40315.

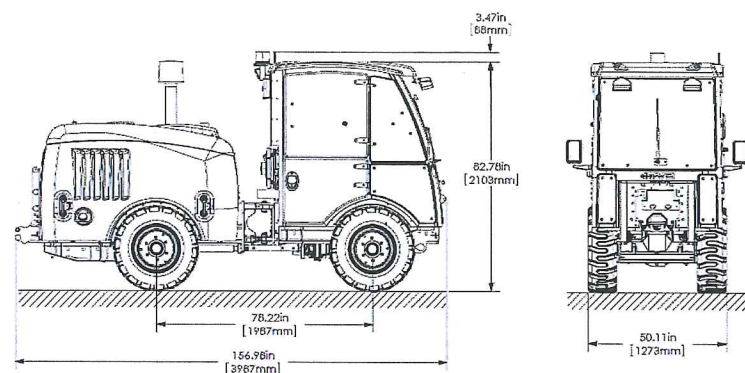
DISCUSSION

Street maintenance personnel use the existing 1998 articulated sidewalk tractor in conjunction with the City's trail maintenance and snow removal activities. This specialized piece of equipment is used all year round. The unit utilizes various attachments for; sweeping sidewalks and trails in the spring and summer, mowing maintenance strips along trails and mowing at wells and lift stations throughout the growing season, and snow removal along trails and sidewalks throughout the winter season. This is a vital piece of equipment to provide necessary and expected maintenance activities throughout the City's sidewalk and trail system. Our current attachments will fit and transfer to the new machine. However, because of the use in extreme conditions and the wear of the snow equipment, the new unit will be purchased with a "V-plow" and snow blower attachments.

The 2012 Capital Improvement Program includes an estimate of \$122,000 for the replacement of this tractor. Under the State of Minnesota Cooperative Purchasing Venture, the City of Shoreview can acquire the tractor with necessary attachments for \$126,064.41 including tax. The retiring tractor will be sold at a public auction in the spring of 2012.

RECOMMENDATION

Staff recommends consideration of the attached motion that authorizes the purchase of a 2012 MacLean MV-Municipal Vehicle with a "V-plow" and snow blower attachments through the State of Minnesota contract in the amount of \$126,064.41, which includes sales tax.



MV Features

ENGINE

- Caterpillar Electronic Tier III C4.4
- 127HP @2200RPM
- 376 ft-lbs @ 1400RPM
- 100A Alternator

CHASSIS

- Heavy-duty welded steel construction framework
- Mid-frame slewing ring oscillation with 10° displacement per side

CAB

- ISO 3471 ROPS cab certified to 12,000lbs GVW
- Easily accessed spacious cabin offers high visibility through tinted glass
- Available air conditioning

BRAKING

- Self-enclosed wet disc service brakes
- Axle mounted drum parking brake acting on entire driveline

POWERTRAIN

- Closed loop hydrostatic drive with servo-controlled variable displacement pump, fixed displacement motor and charge pump filtration
- Front 540 RPM 1 $\frac{1}{2}$ - 6T spline PTO with electric over hydraulic control
- Electric over hydraulic controlled 2-speed gearbox mounted on front axle.

HYDRAULIC TANK

- 70L system capacity with suction screens and in-tank return filtration

UNIT WEIGHTS & DIMENSIONS

- Base unit weight: 6500lbs (2954kg)
- Axle Capacities: 8000lbs (3630kg)
- Width: 50.1"
- Length: 156.9"
- Height: 82.8"
- Wheelbase: 78.2
- Articulation: 38°
- Oscillation: 10°

Factory Installed Options

CAB

- Air Conditioning
- Rear 2-Speed Wiper
- Column mount turn signal
- Steel Door & Lower Side Windows With Glass Inserts

MECHANICAL

- Second High Flow Hydraulic Pump
- Low Hydraulic Oil Warning System
- Cruise Control

TIRES & WHEELS

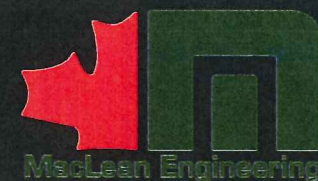
- Summer Tires & Rims
- Winter Radial Tires & Rims
- Wheel weights

Notice: MacLean Engineering reserves the right to change the above specifications without notice.

Your dealer is:

MacLean Engineering
1000 6th Street East
Owen Sound, ON
N4K 1H1

PH: 519-370-2999
www.macleanmarv.com



Performance • Reliability • Innovation



MacLean MV2—Municipal Vehicle

The MV2 is a natural evolution from MacLean's rugged and dependable mining equipment. With proven hydraulic and electrical systems, the MV2 was designed to satisfy the operator, the owner, and the mechanic.



MacLean Engineering Diversified Product Series

Version 0111



MV2 MUNICIPAL USES

The MV can be used for all types of municipal maintenance operations Including:

- Snow Blowing
- Snow Plowing
- Salt and Sand Spreading
- Sweeping
- Finish Mowing
- Flail Mowing
- Asphalt Planing

MV2 FEATURES

- High and low side mirrors
- Centralized hydraulic and electrical components
- Illuminated switched in the cab
- Pantograph intermittent wiper
- Improved access to electrical and hydraulic components through side service door
- Larger 113L Fuel Tank
- Air Intakes complete with debris screens
- Directional and proportional high flow hydraulics
- 103hp Front Mount PTO



A vehicle that works for you.

CONNECTING YOUR OPERATIONS TO THE EQUIPMENT YOU NEED



POWERFUL DRIVELINE

The MacLean MV2 is equipped with a 127hp Caterpillar Diesel Engine, an infinitely variable hydrostatic transmission, a 2 speed mechanical gearbox, and 8000lb axles complete with wet-disc service brakes. The MacLean MV2 also features standard high flow hydraulics and PTO drive to power a variety of attachments to meet your needs.



COMFORTABLE INTERIOR

The vehicle is equipped with an air ride seat with adjustable armrests and recline functions, and adjustable steering wheel, standard CD player, automotive style rear-view mirrors and is available with optional air conditioning.



Attachments

Versatile and agile, the MV2 is designed to accommodate multiple implements for municipal requirements in all seasons. Its intuitive connections allow the attachments to be quickly interchanged



50", 60" SNOW BLOWER



50", 60" ROTARY SWEEPER



60" FOLDING V-PLOW



48" FIXED V-PLOW



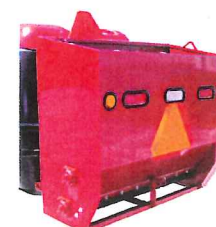
60" ANGLE BLADE



ASPHALT PLANER



REAR MOUNT WATER TANK AVAILABLE IN STANDARD OR ECONOMY MODELS



5/8 YD DROP SANDER



7', 10', 14' DECK MOWERS



74", 88" FLAIL MOWERS



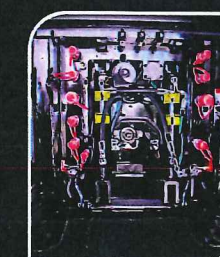
ALSO AVAILABLE

- Snow Blower Truck Chute
- Boom Flail Mower



STEERING & CENTRE JOINT

The Maclean MV2 utilizes two steering cylinders protected by the frame, in addition to tapered and collated Expander Pins™ to ensure a tight fit and smooth ride.



ATTACHMENT MOUNT

The MacLean MV2 utilizes an industry standard mounting system which incorporates a quick hitch and easy access hydraulics. The MV features a 4 spool hydraulic valve to control multiple attachment functions, and high flow hydraulic and PTO drives are standard equipment



HYDROSTATIC DRIVELINE

The Maclean MV2 is equipped with an infinitely variable hydrostatic transmission coupled with a 2 speed mechanical gearbox for a working speed of up to 12 km/h and a travel speed of up to 32 km/h.



AXLES & BRAKES

The MV2 features axles that are rated for 8000lbs. Each axle is an outboard planetary style tractor axle which hosts internal wet disk brakes.

PROPOSED MOTION

MOVED BY COUNCILMEMBER _____

SECONDED BY COUNCILMEMBER _____

to approve Resolution No. 12-9 reducing the following escrows:

Erosion Control and Development Cash Deposits for the following properties
in the amounts listed:

Shoreview Business Campus JLN Development \$ 6,466.00

ROLL CALL: **AYES** _____ **NAYS** _____

HUFFMAN	_____	_____
QUIGLEY	_____	_____
WICKSTROM	_____	_____
WITHHART	_____	_____
MARTIN	_____	_____

REGULAR COUNCIL MEETING
FEBRUARY 6, 2012

TO: MAYOR, CITY COUNCIL, CITY MANAGER

FROM: THOMAS L. HAMMITT
SENIOR ENGINEERING TECHNICIAN

DATE: JANUARY 27, 2012

SUBJECT: DEVELOPER ESCROW REDUCTIONS

INTRODUCTION

The following escrow reductions have been prepared and are presented to the City Council for approval.

BACKGROUND

The property owners/builders listed below have completed all or portions of the erosion control and turf establishment, landscaping or other construction in the right of way as required in the development contracts or building permits.

Shoreview Business Campus	Erosion completed
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RECOMMENDATION

It is recommended that the City Council approve releasing all or portions of the escrows for the following properties in the amounts listed below:

Shoreview Business Campus	JLN Development	\$ 6,466.00
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PROPOSED

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF SHOREVIEW, MINNESOTA**

HELD FEBRUARY 6, 2012

* * * * *

Pursuant to due call and notice thereof, a meeting of the City Council of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City on February 6, 2012 at 7:00 p.m. The following members were present:

and the following members were absent:

Member introduced the following resolution and moved its adoption.

RESOLUTION NO. 12-9

**RESOLUTION ORDERING ESCROW REDUCTIONS
AT VARIOUS LOCATIONS IN THE CITY**

WHEREAS, various builders and developers have submitted cash escrows for erosion control, grading certificates, landscaping and other improvements, and

WHEREAS, City staff have reviewed the sites and developments and is recommending the escrows be returned.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Shoreview, Minnesota, as follows:

The Shoreview Finance Department is authorized to reduce the cash deposit in the amounts listed below:

Shoreview Business Campus	JLN Development	\$ 6,466.00
---------------------------	-----------------	-------------

The motion for the adoption of the foregoing resolution was duly seconded by Member and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

WHEREUPON, said resolution was declared duly passed and adopted this 6th day of February, 2012.

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)
)
CITY OF SHOREVIEW)

I, the undersigned, being the duly qualified and acting Manager of the City of Shoreview of Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of said City Council held on the 6th day of February, 2012 with the original thereof on file in my office and the same is a full, true and complete transcript therefrom insofar as the same relates reducing various escrows.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 7th day of February, 2012.

Terry C. Schwerm
City Manager

SEAL

PROPOSED MOTION

MOVED BY COUNCILMEMBER _____

SECONDED BY COUNCILMEMBER _____

to adopt Resolution No. 12-10 prohibiting on-street parking along the west side of Chatsworth Street, North of Highway 96 to the cul-de-sac.

ROLL CALL:	AYES	NAYS
HUFFMAN	_____	_____
QUIGLEY	_____	_____
WICKSTROM	_____	_____
WITHHART	_____	_____
MARTIN	_____	_____

REGULAR COUNCIL MEETING
FEBRUARY 6, 2012
MJM/

TO: MAYOR, CITY COUNCIL, AND CITY MANAGER

FROM: MARK J. MALONEY, PUBLIC WORKS DIRECTOR

DATE: FEBRUARY 6, 2012

SUBJ: PARKING RESTRICTIONS FOR CHATSWORTH STREET

BACKGROUND

The Public Works Department has received a request for the establishment of parking restrictions for portions of Chatsworth Street from Highway 96, North to the Cul-de-sac. Because this request involves regulatory-type signs (STOP, parking, speed limit, etc.), State law requires that any changes or sign additions be ordered by the City Council.

DISCUSSION

The City has been involved in dialog with Chatsworth Street businesses regarding issues created by on-street parking in the area. This congestion makes it difficult for delivery trucks to back into local businesses and creates safety issues associated with cars entering/leaving the properties. City staff have been in contact with the property owners and management personnel on this topic for the past few years; it appears at this time that the City should use its authority to help the situation on behalf of all the area businesses.

The issue involves on-street parking that is occurring in the immediate vicinity of the private drives onto this segment of Chatsworth Street. It is proposed to establish parking restrictions that would prohibit on-street parking on the west side of Chatsworth Street. Please refer to the attached map for the location of the No Parking area. There appears to be adequate parking available to employees in the on-site parking lots, albeit slightly farther away from the access to the buildings.

Appropriate signage could be prepared and installed within one week.

RECOMMENDATION

The adjacent property owners/managers have been notified of this recommendation; no additional comment has been received as of the date of this report. It is recommended that the City Council approve the establishment of parking restrictions for a portion of Chatsworth Street. A resolution ordering the changes in regulatory traffic control is provided for consideration.

MJM\

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF SHOREVIEW, MINNESOTA
HELD FEBRUARY 6, 2012**

* * * * *

Pursuant to due call and notice thereof, a meeting of the City Council of the City of Shoreview, Minnesota, was duly called and held at the Shoreview City Hall in said City on February 6, 2012, at 7:00 p.m. The following members were present:

and the following members were absent: .

Member introduced the following resolution and moved its adoption.

**RESOLUTION NO. 12-10
ESTABLISHMENT OF PARKING RESTRICTIONS FOR
THE WEST SIDE OF CHATSWORTH STREET,
NORTH OF HIGHWAY 96 TO CUL-DE-SAC.**

WHEREAS, the City of Shoreview, as road authority, is responsible for traffic control on local city streets; and

WHEREAS, the City has received a request for revisions to on-street parking regulations for Chatsworth Street, a public street under City jurisdiction; and

WHEREAS, City staff has analyzed the request and reported findings and recommendations to the Shoreview City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SHOREVIEW, MINNESOTA THAT:

1. Parking restrictions are hereby established for the portions of the west side of Chatsworth Street, North of Highway 96 to cul-de-sac.
2. The Public Works Director is hereby directed to place No Parking signage along the above-described portions of Chatsworth Street.

The motion for the adoption of the foregoing resolution was duly seconded by Member ,
and upon vote being taken thereon, the following voted in favor thereof: ;

and the following voted against the same: .

WHEREUPON, said resolution was declared duly passed and adopted this 6th day of
February, 2012.

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)
)
CITY OF SHOREVIEW)

I, the undersigned, being the duly qualified and acting Manager of the City of Shoreview of
Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and
foregoing extract of minutes of a meeting of said City Council held on the 6th day of February, 2012,
with the original thereof on file in my office and the same is a full, true and complete transcript there
from insofar as the same relates to establishment of parking restrictions for Chatsworth Street.

WITNESS MY HAND officially as such Manager and the corporate seal of the
City of Shoreview, Minnesota, this 7th day of February 2012.

Terry Schwerm
City Manager

SEAL

PROPOSED MOTION

MOVED BY COUNCILMEMBER _____

SECONDED BY COUNCILMEMBER _____

To approve the attached Application for Exempt Permit for fundraising activities for the Slice of Committee for their annual Taste of Slice event on Thursday, February 23, 2012.

ROLL CALL: AYES _____ NAYS _____

HUFFMAN _____ _____

QUIGLEY _____ _____

WICKSTROM _____ _____

WITHHART _____ _____

MARTIN _____ _____

Regular Council Meeting
February 6, 2012

TO: MAYOR AND CITY COUNCIL

FROM: TESSIA MELVIN
ASSISTANT TO CITY MANAGER/COMMUNICATIONS

DATE: MONDAY, FEBRUARY 6

SUBJECT: APPLICATION FOR EXEMPT PERMIT

The Slice of Committee and SESCO have combined to plan for the Slice's Taste of Slice event. SESCO has filed the attached application with the State of Minnesota for several raffle activities that include a Bucket Raffle, Heads and Tails Raffle and Wine Raffle at their event being held on February 23, 2012 in conjunction with their Taste of Slice event.

State gambling regulations specify that such requests may be approved by the state unless the local unit of government passes a resolution prohibiting the activity. Similar requests have been reviewed and approved by the Shoreview City Council in the past.

Staff recommends that the City Council approve this Application for Exempt Permit.

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

Application fee

If application postmarked or received:

less than 30 days
before the event
\$100more than 30 days
before the event
\$50**ORGANIZATION INFORMATION**

Check # _____ \$ _____

Organization name

Shoreview Einhausen Sister City Association

Previous gambling permit number

Minnesota tax ID number, if any

Federal employer ID number, if any

41-2020313

Type of nonprofit organization. Check one.☐

Fraternal

☐

Religious

☐

Veterans

☒

Other nonprofit organization

Mailing address

City

State

Zip Code

County

4600 Victoria St N

Shoreview

MN 55126

Ramsey

Name of chief executive officer (CEO)

Daytime phone number

Email address

William Kiehnbaum

651-357-4428

bill.kiehnbaum@agribank.com

Attach a copy of ONE of the following for proof of nonprofit status.

Do not attach a sales tax exempt status or federal employer ID number as they are not proof of nonprofit status.

☐**Nonprofit Articles of Incorporation OR a current Certificate of Good Standing .**

Don't have a copy? This certificate must be obtained each year from:

Secretary of State, Business Services Div., 180 State Office Building, St. Paul, MN 55155

Phone: 651-296-2803

☒**IRS income tax exemption [501(c)] letter in your organization's name.**

Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.

☐**IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**If your organization falls under a parent organization, attach copies of both of the following:

- IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
- the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted. For raffles, list the site where the drawing will take place.

Shoreview Community Center

Address (do not use PO box)

City or township

Zip Code

County

4580 Victoria St N

Shoreview

55126

Ramsey

Date(s) of activity (for raffles, indicate the date of the drawing)

February 23, 2012

Check the box or boxes that indicate the type of gambling activity your organization will conduct:

Bingo*

☒ Raffles

Paddlewheels*

Pull-Tabs*

Tipboards*

* **Gambling equipment** for pull-tabs, bingo paper, tipboards, and paddlewheels must be obtained from a distributor licensed by the Gambling Control Board. **EXCEPTION:** Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

To find a licensed distributor, go to www.gcb.state.mn.us and click on List of Licensed Distributors, or call 651-639-4000.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT

If the gambling premises is within city limits, a city official must check the action that the city is taking on this application and sign the application.

____ The application is acknowledged with no waiting period.

____ The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).

____ The application is denied.

Print city name _____

On behalf of the city, I acknowledge this application.
Signature of city personnel receiving application _____

Title _____ Date _____

If the gambling premises is located in a township, a county official must check the action that the county is taking on this application and sign the application.
A township official is not required to sign the application.

____ The application is acknowledged with no waiting period.

____ The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days.

____ The application is denied.

Print county name _____

On behalf of the county, I acknowledge this application.
Signature of county personnel receiving application _____

Title _____ Date _____

(Optional) TOWNSHIP: *On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. [A township has no statutory authority to approve or deny an application [Minnesota Statute 349.166]]*

Print township name _____

Signature of township official acknowledging application _____

Title _____ Date _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE

Print form and have CEO sign

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the date of our gambling activity.

Chief executive officer's signature _____ Date _____

Complete a separate application for each gambling event:

- one day of gambling activity
- two or more consecutive days of gambling activity
- each day a raffle drawing is held

Send application with:

- a copy of your proof of nonprofit status, and
 - application fee for each event
- Make check payable to "State of Minnesota."

To: Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Financial report and recordkeeping required

A financial report form and instructions will be sent with your permit, or use the online fill-in form available at www.gcb.state.mn.us. Within 30 days of the activity date, complete and return the financial report form to the Gambling Control Board.

Questions?

Call the Licensing Section of the Gambling Control Board at 651-639-4000.

This form will be made available in alternative format (i.e. large print, Braille) upon request.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application.

Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public.

Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

Reset Form

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date **MAR 14 2006**

SHOREVIEW EINHAUSEN SISTER CITY
ASSOCIATION
C/O SHOREVIEW CITY HALL
4600 VICTORIA ST
SHOREVIEW, MN 55126-5817

Employer Identification Number:
41-2020313

DLN:

17053042706096

Contact Person:

SHAREN J LOCKLEAR

ID# 31209

Contact Telephone Number:

(877) 829-5500

Public Charity Status:

170(b)(1)(A)(vi)

Dear Applicant:

Our letter dated MAY 2002, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity, rather than as a private foundation, during an advance ruling period.

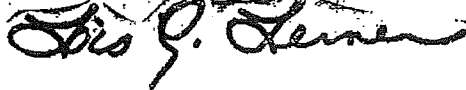
Based on the information you submitted, you are classified as a public charity under the Code section listed in the heading of this letter. Since your exempt status was not under consideration, you continue to be classified as an organization exempt from Federal income tax under section 501(c)(3) of the Code.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3676. Information is also available on our Internet Web Site at www.irs.gov.

If you have general questions about exempt organizations, please call our toll-free number shown in the heading.

Please keep this letter in your permanent records.

Sincerely yours,



Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Letter 1050 (DO/CG)

PROPOSED MOTION

MOTION BY COUNCILMEMBER _____

SECONDED BY COUNCILMEMBER _____

To adopt Ordinance No. 888, revising Chapter 200 of the Municipal Code, specifically Section 207.050 and Section 208.080 regarding nonconformities and to authorize publication of an Ordinance Summary. The Ordinance is consistent with recent changes in State Law.

ROLL CALL: AYES _____ **NAYS** _____

Huffman	_____	_____
Quigley	_____	_____
Wickstrom	_____	_____
Withhart	_____	_____
Martin	_____	_____

Regular City Council Meeting
February 6, 2012

TO: Mayor, City Council, and City Manager

FROM: Kathleen Nordine, City Planner

DATE: January 31, 2012

SUBJECT: Case File 2438-12-01, Text Amendment – City of Shoreview, Nonconformities, Section 207.050 and Nonconforming Signs, Section 208.080

Background

The State Legislature, in 2004, amended the State Statutes relating to nonconformities which expanded the statutory rights of nonconforming structures and uses. Prior to the change, the intent of nonconforming regulations was to phase out these structures and uses within a reasonable time period and bring the structure/use into compliance with the City's zoning regulations. With the change in State Law, any legal nonconformity now generally has a statutory right to continue. Specifically, legal nonconformities may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. For more information, see the memo from the League of Minnesota Cities and Minn. Stat. § 462.357 attached to this report.

Proposed Text Amendment

Section 207.050, Nonconformities, and Section 208.080, Nonconforming Signs, need to be amended so as to be consistent with State Law. The scope of the changes proposed to Section 207.050, is limited to those regulations pertaining to the elimination of legal nonconforming structures and uses. Section 208.080 is proposed to be removed in its entirety because nonconforming signs are considered structures and regulated in Section 207.050. The proposed text amendment is attached for your review and comment.

The Council should note that nonconformities are also addressed in Section 209.080, Shoreland Management. At this time, no changes are proposed to this Section. Staff will be working further with the City Attorney and Department of Natural Resources to determine if an amendment is needed due to the changes in Minnesota State Statute.

Planning Commission Review

The Commission held a public hearing and discussed the proposed amendment at their January 24th meeting and recommended approval (6 – 0) to the City Council. The Commission did review the meaning of nonconformities and how the regulations would affect nonconforming structures.

Recommendation

Staff is presenting these regulations to the City Council for adoption. The proposed amendment has been reviewed by the City Attorney and is consistent with the changes in State Law. Staff is recommending the Council approve Ordinance 888, Nonconformities.

Attachments

- 1) Motion
- 2) Ordinance 888
- 3) MN Statutes 462.357 Subd 1e
- 4) LMC – Land Use Nonconformities

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF SHOREVIEW

ORDINANCE NO. 888

AN ORDINANCE TO AMEND CHAPTER 200 OF THE MUNICIPAL CODE

The Shoreview City Council ordains that Chapter 200, Development Code is hereby amended by replacing Section 207.050, Nonconformities in its entirety and deleting Section 208.080, Alteration and/or Removal of Legal Nonconforming Permanent Signs as follows:

SHOREVIEW DEVELOPMENT CODE

207.050 Nonconformities.

(A) Purpose. The purposes for the City's Nonconforming Use Regulations are:

(1) To recognize the existence of uses, structures and lots which were lawfully established but which do not currently comply with the City's Development Regulations.

(2) To prohibit the enlargement, expansion or extension of nonconforming principal uses and structures.

~~(3) To require the elimination of nonconforming accessory uses, and structures utilized in connection therewith, within a reasonable period of time.~~

(1)(3) ____ To regulate nonconforming uses and structures that are located in flood hazard areas in a manner consistent with State and Federal regulations in order to preserve the public health, safety and welfare.

(B) Nonconforming Use Restrictions.

(1) A nonconforming principal use shall not be enlarged or extended to occupy a greater area of land or a larger portion of a structure, but may continue at the

size, intensity and in the manner of operation existing upon the date on which the use became nonconforming.

- (2) A nonconforming ~~principal~~ use may be changed to lessen the nonconformity of the use.
- (3) When a nonconforming ~~principal~~ use has been changed to a conforming use, it shall thereafter comply with the City's Development Ordinance.
- (4) A nonconforming ~~principal~~ use shall not be re-established if discontinued for a continuous twelve-month period.
- ~~(5) A nonconforming accessory use shall be terminated as provided in Section 207.050(G).~~
- ~~(6) A nonconforming principal use, which is damaged by fire, wind, or other causes to the extent of 50% or more of its value, as determined by a qualified appraiser, shall not be resumed except in conformity with the City's Development Ordinance, unless a building permit to restore the damage is applied for within 180 days of the event causing the damage. In the event restoration work exceeds 50% of the value, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.~~
- ~~(7)(5)~~ Any nonconforming use located in a flood hazard zone is also subject to the regulations of Section 205.091(K)(4).

(C) Nonconforming Lot Restrictions. The following requirements shall apply to all substandard non-riparian lots that do not satisfy the minimum dimension standards set forth in Development Ordinance. Substandard riparian lots shall comply with the requirements set forth in Section 209.080(L).

(1) Lot Standards:

- (a) Residential design review approval, in accordance with Section 203.034, must be obtained prior to improvement of any nonconforming lot of record for use as a separate home site if the lot was not in separate ownership on August 1, 1983, or any time thereafter.
- (b) No structures shall be expanded or, constructed ~~or reconstructed~~ on a substandard lot of record unless Residential design review approval is first obtained from the City in accordance with Section 203.034, unless otherwise in conformance with Section 207.050 (F).
- (c) Reconstruction of a structure is defined to mean replacement of three or more of the structure's six structural components (roof, floor, and four

walls). Determination as to the extent of structural component replacement shall be made by the Building Official.

- (d) A dwelling shall not be constructed ~~or reconstructed~~ on a nonconforming lot of record unless, the lot meets or exceeds 80% of the minimum required lot width, area and depth standards.
- (e) No lot of record shall be used or reused as a separate home site unless it abuts an improved public right-of-way or, if the lot was legally accessed via a private way prior to December 10, 1992, said access may continue to be utilized provided:
 - (i) There is no practical way to extend a public street to the property;
 - (ii) The private access is protected by a permanent easement recorded to run with the title of the property; and
 - (iii) The private way complies with the fire apparatus requirements set forth in the Uniform Fire Code.

(D) Design Standards. Except as herein provided, ~~Any~~ structures constructed, ~~reconstructed~~ or expanded on a nonconforming lot shall comply with the following site and building design requirements:

- (1) Impervious Surface Coverage. Lot coverage shall not exceed 30%.
- (2) Building Height. The height of the proposed dwelling shall not exceed 28 feet from roof peak to grade (as defined by the Uniform Building Code) on the street side of the dwelling, and the dwelling shall not exceed two stories as viewed from the street.
- (3) Foundation Area. The foundation area of all structures, including dwellings and attached accessory structures, cantilevered areas, detached accessory structures greater than 150 square feet, and covered porches, covered decks, and covered patios shall be limited to 18 percent of the lot area or 1,600 square feet, whichever is greater. If the existing foundation area exceeds the allowed foundation area, the foundation area percentage may be maintained but not increased. Existing foundation area is the foundation area legally present on the property on or before April 17, 2006 or approved thereafter by the City.
- (4) Minimum Setback from the Property Front Line: 30 feet. However, in those cases where the existing setbacks for the two adjacent dwellings exceed this requirement, the setback of the new dwelling or any new addition shall be

Rev. Date

4/17/06

Ord. #794

equal to the average setback of the two adjacent dwellings, plus or minus 10 feet. If one of the immediately adjacent dwellings is located on a lakeshore lot, the front yard setback of such dwelling shall not be utilized. In those cases where there is only one existing adjacent structure which has a setback greater than 30 feet, then the setback for the new dwelling or addition shall be equal to the average of 30 feet and the setback of the existing adjacent structure, plus or minus 10 feet.

(5) Architectural Mass. The architectural design and mass of the structure is determined by the City to be compatible with the existing neighborhood character.

(a) When determining compliance with the existing character of a neighborhood, the City Council may require revisions that include, but shall not be limited to the alteration of: dwelling style (2-story walkout, rambler, etc.); roof design; garage width, height, and depth; garage style (attached versus detached); location and amount of driveway/parking/sidewalk area; and/or the location and design of doors, windows, decks and porches. The City may also restrict deck enclosures; prohibit accessory structures except for a garage; and require greater than standard setbacks.

(6) Legally established nonconforming structures may continue but shall not be expanded or moved to a different location on a parcel, except as provided for in Section 207.050 (F).

(E) Residential Design Review Conditions. The City may impose any or all of the following requirements as a condition of approval in order to construct or reconstruct a single family dwelling on a nonconforming lot of record:

- (1) If the nonconforming lot adjoins a lot in the same ownership that exceeds minimum dimension standards, the adjoining lot may be required to be subdivided, to the extent practical, to increase the size of the nonconforming lot in order to reduce the amount of the non-conformity.
- (2) Any other conditions that the City deems necessary in order to satisfy the intent of the Development Ordinance.

(F) Nonconforming Structure Restrictions.

- (1) A structure which is nonconforming due to dimensions or setbacks from property lines may remain at its current size and location and/or may be structurally altered, including an area expansion, provided that the alteration complies with the City's current development regulations and procedures. If

~~the nonconforming structure is a single family dwelling, its location on a substandard lot shall not be considered relevant for purposes of administering this provision.~~

- (2) A structure which is nonconforming due to setbacks from property lines, where such nonconformity is the result of a government taking for the construction or improvement of streets, drainage areas, storm water ponding areas, public recreational areas, or public utilities, may be structurally altered so long as the alteration is in compliance with the setback standards, ~~which were applicable when the structure was originally constructed, but, in no event, shall the alteration result in a front yard setback of less than 20 feet without an approved variance.~~
- (3) A nonconforming structure which is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value as indicated in the records of the county assessor at the time of damage, may be continued through repair, replacement, restoration, maintenance or improvement provided a building permit has been applied for within 180 days of the date of damage. In this case, the City may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a non-conforming structure in the Shoreland District with less than 50% of the required setback from the ordinary high water is destroyed by fire or other peril to greater than 50% of its estimated market value as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
~~damaged by fire, wind or other causes to an extent of less than 50% of its fair market value, as determined by the real estate tax statement for the parcel exclusive of land value, may be restored to its former condition and in its former location if the restoration is completed within twelve (12) months after the date of damage. A nonconforming structure which is damaged by fire, wind or other causes to an extent of 50% or more of its fair market value, as determined by the real estate tax statement for the parcel exclusive of land value, shall not be repaired or rebuilt except in conformity with the City's Development Ordinance, unless a building permit to restore the damage is applied for within 180 days of the event causing the damage. In the event restoration work exceeds 50% of the value, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.~~
- (4) ~~If a nonconforming structure is moved to another zoning district, it shall comply with all regulations applicable to such district.~~
- (54) Normal repairs and maintenance necessary to keep a nonconforming structure in sound condition shall be permitted.

(65) If a nonconforming accessory use terminates, the nonconforming accessory structure which it utilizes shall be removed unless such structure can be adapted to conform with the use regulations of its particular zone.

(6) Any nonconforming structure located in a flood hazard district is also subject to Section 205.091(K)(4).

(7) The provisions of Section 207.050 (F) apply to all structures, including signs.

~~(G) Termination of Nonconforming Accessory Use. A nonconforming accessory use shall be removed within a reasonable time as determined by the City Council. In making such determination as to the time for the removal of such use, the City Council shall take the following factors into consideration:~~

~~(1) The date on which the accessory use was created.~~

~~(2) The date when the accessory use became nonconforming.~~

~~(3) The value of the structure utilized by the nonconforming accessory use.~~

~~(4) The property owners' investment in the structure which supports the nonconforming accessory use.~~

~~(5) The adaptability of the structure to other allowable uses.~~

~~(6) The nature of the nonconforming accessory use.~~

~~(7) The detriment caused by the existence of the nonconforming accessory use.~~

~~(8) The character of the neighborhood surrounding the property on which the nonconforming accessory use is located.~~

~~(H) Nonconforming Commercial Antennas or Towers.~~

~~(1) Existing commercial antennas or towers legally existing prior to the adoption of Ordinance No. 738, adopted by the City Council on March 19, 2001 except for towers used for public safety communications, shall be considered a legal non-conforming use.~~

~~(2) Expansion of a legal non-conforming use shall be subject to City regulations pertaining to commercial antennas, towers and WTFs that are in effect at the time such expansion is proposed. Additional antennas may be placed on legal non-conforming commercial towers by existing users for the purposes for expanding capacity or for collocation by new users when a WTF permit is~~

~~obtained pursuant to City regulations. The height of legal non-conforming commercial towers shall not be increased.~~

~~(1) If a legal non-conforming antenna, tower or WTF is damaged to the extent of its estimated market value, as indicated in the records of the Ramsey County Assessor, or destroyed due to any reason or cause whatsoever, the antenna, tower or WTF may be repaired and restored to its former use, location and physical dimensions upon obtaining a building permit and commencing construction within 180 days of the date of the damage or destruction.~~

~~(2) Routine maintenance of legal non-conforming commercial antennas and towers and WTFs is permitted.~~

~~(3) If a legal non-conforming commercial antenna, tower and/or WTF is unused or abandoned for a period of one year, the antenna, tower and/or WTF shall lose its legal nonconforming status and shall be considered an illegal nonconforming use. If not removed, the City may remove the antenna, tower and/or WTF and assess the costs of removal to the property owner.~~

~~(I) Nonconforming Signs. As regulated in Section 208.070, Alteration and/or Removal of Legal Nonconforming Permanent Signs.~~

~~(J) Hearings. Property owners who receive notices to remove nonconforming accessory uses may file a request for a hearing on forms provided by the City Manager. Upon the receipt of the hearing request, the City Manager shall schedule a hearing before the City Council within sixty (60) days.~~

~~(K) Illegal Uses. Owners of illegal uses or structures shall terminate such use and/or remove such structure or otherwise adapt such structure to a permissible use.~~

208.080 Alteration and/or Removal of Legal Nonconforming Permanent Signs. Signs shall lose their legal nonconforming status if moved, replaced or altered in any way, except toward compliance with Section 208. Signs that are in good repair, were legally in existence before this Section was adopted, and which are not obsolete but which do not otherwise comply with the standards set forth in this Section, shall be removed or brought into conformance if damaged beyond 50 percent of its value prior to being damaged, as determined by an independent appraisal. Damaged, nonconforming signs shall be completely removed within 90 days of written notification from the City. If compliance is not obtained within 90 days of property owner notification, the City may cause the sign to be removed in accordance with Subsection 208.070(D).

(1) A legally nonconforming billboard may be converted to a billboard with a dynamic display provided the conditions identified in Section 208.040(B)(2) are met

Effective Date. This ordinance shall become effective the day following its publication in the City's official newspaper.

Publication Date. Published on or after February 15, 2012.

SEAL

Sandra C. Martin, Mayor

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AN ORDINANCE SUMMARY

On the 6th day of February, 2012 , the Shoreview City Council adopted Ordinance No. 888; and, by at least four affirmative votes, pursuant to Minn. Stat. 412.191, Subd. 4, directed that a summary of the ordinance be published.

Shoreview Ordinance No. 888 amends regulations pertaining to Section 207.050 and Section 208.080 regarding nonconformities. The Ordinance is available for inspection by any person during regular business hours at the office of the City Manager at 4600 North Victoria Street, Shoreview, MN 55126. A copy of the Ordinance is also available on the City's website at www.shoreviewmn.gov

Dated: February 6, 2012

Terry Schwerm, City Manager



CONNECTING & INNOVATING
SINCE 1913

LAND USE NONCONFORMITIES

Frequently Asked Questions

What are nonconformities?

Nonconformities are simply any land uses, structures or lots that do not comply with the current zoning ordinance of a city.

What are legal nonconformities?

Legal nonconformities are those that were legal when the zoning ordinance or amendment was adopted, in that they complied with then existing ordinance and law. Legal nonconformities generally have a statutory right to continue. The rights of legal nonconformities are often referred to as grandfather rights.

What are illegal nonconformities?

Illegal nonconformities are those that were not permitted when established. In contrast to legal nonconformities, illegal nonconformities do not have the rights associated with legal nonconformities. Illegal nonconformities may exist because a prior zoning ordinance was not enforced as written. Failure by the city to enforce a prior zoning ordinance does not give a landowner the legal right to continue an illegal nonconformity. Before assuming a particular nonconformity is entitled to the statutory right to continue, it is important to consider whether the nonconformity ever complied with existing ordinance or law.

What are the statutory rights of legal nonconformities?

In Minnesota, any legal nonconformity generally has a statutory right to continue. Specifically, legal nonconformities may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. These rights were once limited to repair and maintenance, but in 2004 the legislature afforded the rights to replacement, restoration or improvement but not expansion. For more information, see Minn. Stat. § 462.357.

What about nonconformities in a floodplain area?

Legal nonconformities in floodplain areas have more limited rights. Cities may regulate the repair, replacement, maintenance, improvement or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain community eligibility for the National Flood Insurance Program (NFIP).

Who benefits from the nonconforming rights?

The rights of legal nonconformities attach to and benefit the land and are not limited to a particular landowner. If the benefited property is sold, the new owner will have the continuance rights.

This material is provided as general information and is not a substitute for legal advice.
Consult your attorney for advice concerning specific situations.

Can nonconforming rights be lost?

Yes, state statute provides that the right to continue a legal nonconformity can be lost if the use is discontinued or destroyed.

How can rights be lost through discontinuance?

There is an exception to continuance rights when a nonconforming use is discontinued for more than one year. Under case law, a one-year period of discontinuance creates a presumption of abandonment. A landowner can then rebut the presumption by presenting evidence of intent to continue the use, or that the discontinuance was beyond his or her control.

How can rights be lost through destruction?

There is an exception to continuance rights when a nonconforming structure is destroyed by more than 50% of its assessed market value, and no building permit is applied for within 180 days. This exception is known as the 50% rule and used to have greater impact before the 2004 legislature provided that applying for a building permit within 180 days of destruction defeats the exception.

Can legal nonconformities be phased-out?

Historically, the theory behind legal nonconformities was that the property would eventually comply with the zoning ordinance. The statutory right to continue was more limited, and cities could phase out nonconformities over time through a process called amortization. Current law prohibits amortization, except for adult uses.

What is a city's role in administering nonconformities?

The rights of legal nonconformities to continue does not depend on local ordinance, and so a city often has little role administering nonconformities. A landowner may assert their continuance rights in response to city enforcement of a zoning ordinance. The burden is on the landowner to establish their property qualifies for nonconforming rights.

What should a zoning ordinance provide for nonconformities?

Some cities choose to address nonconformities in their zoning ordinance either by merely codifying the statutory rights, or sometimes by setting up systems to register legal nonconformities. If a zoning ordinance covers nonconformities, cities should carefully review the ordinance provisions and make sure they are consistent with the current state statute.

When can a nonconforming use be expanded?

The statutory right of legal nonconformities to continue specifically provides that the right does not include expansion of the use. Because the state statute does not define expansion, some cities choose to define expansion in the city zoning ordinance. The definition could refer to any physical expansion of the nonconforming use, or even intensifying the use.

What about violations of other city ordinances?

Despite their right to continue without complying with the current zoning ordinance, it is important to keep in mind that all legal nonconformities must generally comply with all other city ordinances, such as a nuisance ordinance or a licensing ordinance.

Subd. 1d. **Nuisance.** Subdivision 1c does not prohibit a municipality from enforcing an ordinance providing for the prevention or abatement of nuisances, as defined in section 561.01, or eliminating a use determined to be a public nuisance, as defined in section 617.81, subdivision 2, paragraph (a), clauses (1) to (9), without payment of compensation.

Subd. 1e. **Nonconformities.** (a) Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) the nonconformity or occupancy is discontinued for a period of more than one year; or

(2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

(b) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit a municipality from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

(c) Notwithstanding paragraph (a), a municipality shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

(d) Paragraphs (d) to (j) apply to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. A municipality shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas according to paragraphs (d) to (j).

(e) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

(1) all structure and septic system setback distance requirements can be met;

(2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and

(3) the impervious surface coverage does not exceed 25 percent of the lot.

(f) In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

(1) the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;

(2) the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls;

(3) impervious surface coverage must not exceed 25 percent of each lot; and

(4) development of the lot must be consistent with an adopted comprehensive plan.

(g) A lot subject to paragraph (f) not meeting the requirements of paragraph (f) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

(h) Notwithstanding paragraph (f), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.

(i) In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

(j) A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

Subd. 1f. Substandard structures. Notwithstanding subdivision 1e, Minnesota Rules, parts 6105.0351 to 6105.0550, may allow for the continuation and improvement of substandard structures, as defined in Minnesota Rules, part 6105.0354, subpart 30, in the Lower Saint Croix National Scenic Riverway.

Subd. 1g. Feedlot zoning controls. (a) A municipality proposing to adopt a new feedlot zoning control or to amend an existing feedlot zoning control must notify the Pollution Control Agency and commissioner of agriculture at the beginning of the process, no later than the date notice is given of the first hearing proposing to adopt or amend a zoning control purporting to address feedlots.

(b) Prior to final approval of a feedlot zoning control, the governing body of a municipality may submit a copy of the proposed zoning control to the Pollution Control Agency and to the commissioner of agriculture and request review, comment, and recommendations on the environmental and agricultural effects from specific provisions in the ordinance.

(c) The agencies' response to the municipality may include:

(1) any recommendations for improvements in the ordinance; and

REPORT ON COUNCIL ACTION

City Planner Kathleen Nordine reported that the Council approved the modification to Municipal Development District No. 2 and a proposed tax increment financing (TIF) plan for District No. 7 for the Southview senior development.

Two new Planning Commission members will begin their terms at the February 2012 meeting.

The Environmental Quality Committee has three remaining presentations in its series:

February 15	Attracting Birds to Your Yard
March 21	The Twin Cities Ecosystem Project
April 18	The Future of Public Transit in Shoreview

NEW BUSINESS

A. PUBLIC HEARING – TEXT AMENDMENT-CHAPTER 200, INCLUDING SECTION 207.050, NONCONFORMITIES & SECTION 208.080, NONCONFORMING SIGNS

FILE NO:	2438-12-01
APPLICANT:	CITY OF SHOREVIEW
LOCATION:	CITY WIDE

City Attorney Filla stated that he has reviewed the Affidavit of Publication indicating that proper notice has been given and the public hearing is in order.

Presentation by City Planner Kathleen Nordine

State Statutes were amended in 2004 in to indicate that nonconformities have a right to continue and can be repaired, replaced, restored, maintained or improved. The text amendments proposed are to comply with State law.

Section 207.050 defines nonconformities pertaining to uses, lots and structures. All text referring to termination of use or structures has been removed. Text has been revised to be consistent State Statute regarding nonconforming structures and the 50% rule. Regulations regarding nonconforming structures also apply to signs, antennas and towers. Section 208.080 regarding signs has been removed, as it is now covered in Section 207.050.

In regard to Section 209.080, regarding nonconformities in Shoreland Districts, Counsel and staff are in the process of researching how the statute changes impact shoreland properties.

The proposed amendments are consistent with state law, and staff is requesting that the Planning Commission forward a recommendation of approval to the City Council.

Commissioner Ferrington asked for clarification in deleting the word “principal” and replacing it with the term “use.” Ms. Nordine explained that prior to current law there was a distinction

between a principal use and an accessory use. Now the law refers to any use and so the term “principal” is no longer a necessary distinction.

Commissioner Wenner asked if reconstruction of a damaged or burned building can be altered from the prior nonconformity. Ms. Nordine responded that reconstruction can be done on the same footprint. If there is any expansion, it must comply with current City Code. Updated improvements can be made.

Commissioner Solomonson stated that nonconforming and illegal appear to be the same and asked how to determine nonconformity or illegality. He further asked if a structure with a permit that did not have a final inspection would be conforming but illegal, as in the case when a final occupancy inspection is not done. Ms. Nordine stated that a determination would be made on whether or not a permit was pulled. For older structures, staff would seek documentation from the homeowner. Yes, a structure could be conforming and still be illegal if the required approvals were not obtained.

City Attorney Filla explained that nonconforming means it was conforming at one time but with Code changes, it became nonconforming. An illegal building has always been illegal.

Chair Feldsien asked for clarification of the terms “damage” or “destroy.” City Attorney Filla stated that he does not differentiate the terms. If the building is damaged or destroyed more than 50%, the rules kick in.

Chair Feldsien opened the public hearing. There were no public comments or questions.

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to close the public hearing.

VOTE: Ayes - 6
Nays - 0

MOTION: by Commissioner Solomonson, seconded by Commissioner Wenner to recommend the City Council approve the text amendment to Chapter 200 of the Municipal Code, Section 207.050 and Section 208.080 pertaining to nonconformities. The ordinance is consistent with the changes in State Law adopted in 2004.

VOTE: Ayes - 6 Nays – 0

MISCELLANEOUS

City Council Meetings

Commissioners Wenner and Schumer respectively will attend the February 6th and February 21st City Council meetings.

Planning Commission Chair and Vice Chair

Chair Feldsien recused himself from voting on this item.

PROPOSED MOTION

**TO AUTHORIZE EXECUTION OF THE TO THE METROPOLITAN
LIVABLE COMMUNITIES ACT GRANT AGREEMENT WITH THE
METROPOLITAN COUNCIL**

MOVED BY COUNCILMEMBER: _____

SECONDED BY COUNCILMEMBER: _____

To authorize the execution of the Metropolitan Livable Communities Act Grant Agreement with the Metropolitan Council for the Midland Terrace Redevelopment project, 3529 Owasso Street. Funding through this Grant Program will assist with costs associated with the needed public improvements and site preparation for a new apartment complex.

ROLL CALL: AYES _____ **NAYS** _____

Huffman	_____	_____
Quigley	_____	_____
Wickstrom	_____	_____
Withhart	_____	_____
Martin	_____	_____

Regular City Council Meeting
February 6, 2012

t:\ccreport\02-06-12LCDA

TO: Mayor, City Council, City Manager
FROM: Kathleen Nordine, City Planner
DATE: February 1, 2012
SUBJECT: Metropolitan Council Livable Communities Demonstration Account Grant Applications

Introduction

The City was awarded a \$655,000 grant through the the Metropolitan Council's Livable Communities Demonstration Account Grant programs to assist with costs associated with the proposed Midland Terrace Plaza Redevelopment, 3529 Owasso Street. The Livable Communities Demonstration Account (LCDA) funds development and redevelopment projects that achieve connected development patterns linking housing, jobs and services, and maximize the development potential of existing infrastructure and regional facilities. Funding through this project will assist with local costs associate with the Owasso Street Realignment, demolition of the old retail center, public utility improvements and site preparation for a proposed high-end apartment building.

Project Summary

Midland Terrace is a 420 Unit apartment complex constructed in the early 1970's and includes a 13,000 square foot retail center. The redevelopment plan proposes demolition of the old retail center, realigning part of Owasso Street and construction a new apartment building with approximately 120 units. The owner of the complex, Tycon Companies is tentatively scheduled to submit a Planned Unit Development – Concept Stage application this month.

Grant Agreement

The key components of the grant agreement include:

Grant Award: \$655,000

Eligible Use: Realignment of Owasso Street, Relocation of public sewer lines, sidewalk/trail connections, stormwater improvements, demolition of the retail center and site improvements

Timeline: Public improvements, including the demolition of the retail center, are expected to be completed by December 31, 2014. Construction of the apartment complex will begin by December 31, 2014.

Expiration: December 31, 2014

Recommendation

The Staff is seeking City Council authorization to execute the Grant Agreement with the Metropolitan Council for the Midland Terrace Redevelopment project. Funds will assist the costs associated with the needed public improvements for this project and site preparation for the new apartment complex. The project is identified in the City's Housing Action Plan and is consistent with City's housing program and policies that supports targeting funding towards the removal/redevelopment of blighted properties, reinvestment and diversifying housing options.

Attachments

1. Motion
2. Grant Agreement

**DEMONSTRATION ACCOUNT
DEVELOPMENT GRANT PROGRAM**

GRANTEE: City of Shoreview		GRANT NO. SG011-147
PROJECT: Midland Terrace Redevelopment		
GRANT AMOUNT: \$655,000	FUNDING CYCLE: 2011	
COUNCIL ACTION: December 14, 2011	EXPIRATION DATE: December 31, 2014	

**METROPOLITAN LIVABLE COMMUNITIES ACT
GRANT AGREEMENT**

THIS GRANT AGREEMENT ("Agreement") is made and entered into by the Metropolitan Council ("Council") and the Municipality, County or Development Authority identified above as "Grantee."

WHEREAS, Minnesota Statutes section 473.251 creates the Metropolitan Livable Communities Fund, the uses of which fund must be consistent with and promote the purposes of the Metropolitan Livable Communities Act ("LCA") and the policies of the Council's Metropolitan Development Guide; and

WHEREAS, Minnesota Statutes sections 473.251 and 473.253 establish within the Metropolitan Livable Communities Fund a Livable Communities Demonstration Account and require the Council to use the funds in the account to make grants or loans to municipalities participating in the Local Housing Incentives Program under Minnesota Statutes section 473.254 or to Counties or Development Authorities to fund the initiatives specified in Minnesota Statutes section 473.25(b) in Participating Municipalities; and

WHEREAS, the Grantee is a Municipality participating in the Local Housing Incentives Account program under Minnesota Statutes section 473.254, a County or a Development Authority; and

WHEREAS, the Grantee seeks funding in connection with an application for Livable Communities Demonstration Account grant program funds submitted in response to the Council's notice of availability of grant funds for the "Funding Cycle" identified above and will use the grant funds made available under this Agreement to help fund the "Project" identified in the application; and

WHEREAS, the Council awarded Livable Communities Demonstration Account grant program funds to the Grantee subject to any terms, conditions and clarifications stated in its Council Action, and with the understanding that the Project identified in the application will proceed to completion in a timely manner, all grant funds will be expended prior to the "Expiration Date" identified above and Project construction will have "commenced" before the Expiration Date.

**DEMONSTRATION ACCOUNT
DEVELOPMENT GRANT PROGRAM**

NOW THEREFORE, in reliance on the above statements and in consideration of the mutual promises and covenants contained in this Agreement, the Grantee and the Council agree as follows:

I. DEFINITIONS

1.01. Definition of Terms. The terms defined in this section have the meanings given them in this section unless otherwise provided or indicated by the context.

- (a) **Commenced.** For the purposes of Sections 2.07 and 4.03, “commenced” means significant physical improvements have occurred in furtherance of the Project (e.g., a foundation is being constructed or other tangible work on a structure has been initiated). In the absence of significant physical improvements, visible staking, engineering, land surveying, soil testing, cleanup site investigation, or pollution cleanup activities are not evidence of Project commencement for the purposes of this Agreement.
- (b) **Council Action.** “Council Action” means the action or decision of the governing body of the Metropolitan Council, on the meeting date identified at Page 1 of this Agreement, by which the Grantee was awarded Livable Communities Demonstration Account funds.
- (c) **County.** “County” means Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties.
- (d) **Development Authority.** “Development Authority” means a statutory or home rule charter city, a housing and redevelopment authority, an economic development authority, or a port authority in the Metropolitan Area.
- (e) **Metropolitan Area.** “Metropolitan Area” means the seven-county metropolitan area as defined by Minnesota Statutes section 473.121, subdivision 2.
- (f) **Municipality.** “Municipality” means a statutory or home rule charter city or town participating in the Local Housing Incentives Account Program under Minnesota Statutes section 473.254.
- (g) **Participating Municipality.** “Participating Municipality” means a statutory or home rule charter city or town which has elected to participate in the Local Housing Incentive Account program and negotiated affordable and life-cycle housing goals for the Municipality pursuant to Minnesota Statutes section 473.254.
- (h) **Project.** Unless clearly indicated otherwise by the context of a specific provision in this Agreement, “Project” means the development or redevelopment project identified in the application for Demonstration Account funds for which grant funds were requested that through its design and execution will deliver benefits such as housing, connections, and jobs to the region. Grant-funded activities typically are components of the Project.

DEMONSTRATION ACCOUNT DEVELOPMENT GRANT PROGRAM

II. GRANT FUNDS

2.01. Total Grant Amount. The Council will grant to the Grantee the "Grant Amount" identified at Page 1 of this Agreement which shall be funds from the Livable Communities Demonstration Account of the Metropolitan Livable Communities Fund. Notwithstanding any other provision of this Agreement, the Grantee understands and agrees that any reduction or termination of Livable Communities Demonstration Account grant funds made available to the Council may result in a like reduction in the Grant Amount made available to the Grantee.

2.02. Authorized Use of Grant Funds. The Grant Amount made available to the Grantee under this Agreement shall be used only for the purposes and activities described in the application for Livable Communities Demonstration Account grant funds. A Project summary that describes eligible uses of the grant funds as approved by the Council is attached to and incorporated into this Agreement as Attachment A. Grant funds must be used to fund the initiatives specified in Minnesota Statutes section 473.25(b), in a Participating Municipality.

2.03. Ineligible Uses. Grant funds must be used for costs directly associated with the specific proposed Project activities and shall not be used for "soft costs" such as: administrative overhead; travel expenses; legal fees; insurance; bonds; permits, licenses or authorization fees; costs associated with preparing other grant proposals; operating expenses; planning costs, including comprehensive planning costs; and prorated lease and salary costs. Grant funds may not be used for costs of Project activities that occurred prior to the grant award. A detailed list of ineligible and eligible costs is available from the Council's Livable Communities program office. Grant funds also shall not be used by the Grantee or others to supplant or replace: (a) grant or loan funds obtained for the Project from other sources; or (b) Grantee contributions to the Project, including financial assistance, real property or other resources of the Grantee. The Council shall bear no responsibility for cost overruns which may be incurred by the Grantee or others in the implementation or performance of the Project activities. The Grantee agrees to comply with any "business subsidy" requirements of Minnesota Statutes sections 116J.993 to 116J.995 that apply to the Grantee's expenditures or uses of the grant funds.

2.04. Loans for Low-Income Housing Tax Credit Projects. If consistent with the application and the Project activities described in Attachment A or if requested in writing by the Grantee, the Grantee may structure the grant assistance to the Project as a loan so the Project owner can take advantage of federal and state low-income housing tax credit programs. The Grantee may use the grant funds as a loan for a low-income housing tax credit project, subject to the terms and conditions stated in Sections 2.02 and 2.03 and the following additional terms and conditions:

- (a) The Grantee covenants and represents to the Council that the Project is a rental housing project that received or will receive an award of low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended, and the low-income housing tax credit program administered by the Minnesota Housing Finance Agency.
- (b) The Grantee will execute a loan agreement with the Project owner. Prior to disbursing any grant funds for the Project, the Grantee will provide to the Council a copy of the loan agreement between the Grantee and the Project owner.

DEMONSTRATION ACCOUNT
DEVELOPMENT GRANT PROGRAM

- (c) The Grantee will submit annual written reports to the Council that certify: (1) the grant funds continue to be used for the Project for which the grant funds were awarded; and (2) the Project is a "qualified low-income housing project" under Section 42 of the Internal Revenue Code of 1986, as amended. This annual reporting requirement is in addition to the reporting requirements stated in Section 3.03. Notwithstanding the Expiration Date identified at Page 1 of this Agreement and referenced in Section 4.01, the Grantee will submit the annual certification reports during the initial "compliance period" and any "extended use period," or until such time as the Council terminates this annual reporting requirement by written notice to the Grantee.
- (d) The grant funds made available to the Grantee and disbursed to the Project owner by the Grantee in the form of a loan may be used only for the grant-eligible activities and Project components for which the Grantee was awarded the grant funds. For the purposes of this Agreement, the term "Project owner" means the current Project owner and any Project owner successor(s).
- (e) Pursuant to Section 2.03, the grant funds made available to the Grantee and disbursed to the Project owner in the form of a loan shall not be used by the Grantee, the Project owner or others to supplant or replace: (1) grant or loan funds obtained for the Project from other sources; or (2) Grantee contributions to the Project, including financial assistance, real property or other resources of the Grantee. The Council will not make the grant funds available to the Grantee in a lump sum payment, but will disburse the grant funds to the Grantee on a reimbursement basis pursuant to Section 2.10.
- (f) By executing this Agreement, the Grantee: (1) acknowledges that the Council expects the loan will be repaid so the grant funds may be used to help fund other activities consistent with the requirements of the Metropolitan Livable Communities Act; (2) covenants, represents and warrants to the Council that the Grantee's loan to the Project owner will meet all applicable low-income housing tax credit program requirements under Section 42 of the Internal Revenue Code of 1986, as amended (the "Code"), and the low-income housing tax credit program administered by the Minnesota Housing Finance Agency; and (3) agrees to administer its loan to the Project owner consistent with federal and state low-income housing tax credit program requirements.
- (g) The Grantee will, at its own expense, use diligent efforts to recover loan proceeds: (1) when the Project owner becomes obligated to repay the Grantee's loan or defaults on the Grantee's loan; (2) when the initial thirty-year "compliance period" expires, unless the Council agrees in writing that the Grantee may make the grant funds available as a loan to the Project owners for an "extended use period"; and (3) if noncompliance with low-income housing tax credit program requirements or some other event triggers the Project owner's repayment obligations under its loan agreement with the Grantee. The Grantee must repay to the Council all loan repayment amounts the Grantee receives from the Project owner. The Grantee shall not be obligated to repay the grant funds to the Council except to the extent the Project owner repays its loan to the Grantee, provided the Grantee has exercised the reasonable degree of diligence and used administrative and legal remedies a reasonable and prudent public housing agency would use to obtain payment on a loan, taking into consideration (if applicable) the subordinated nature of the loan. At its discretion, the Council may: (1) permit the Grantee to

DEMONSTRATION ACCOUNT DEVELOPMENT GRANT PROGRAM

use the loan repayment from the Project owner to continue supporting affordable housing components of the Project; or (2) require the Grantee to remit the grant funds to the Council.

- (h) If the Grantee earns any interest or other income from its loan agreement with the Project owner, the Grantee will: (1) use the interest earnings or income only for the purposes of implementing the Project activities for which the grant was awarded; or (2) remit the interest earnings or income to the Council. The Grantee is not obligated to earn any interest or other income from its loan agreement with the Project owner, except to the extent required by any applicable law.

2.05. Revolving Loans. If consistent with the application and the Project summary or if requested in writing by the Grantee, the Grantee may use the grant funds to make deferred loans (loans made without interest or periodic payments), revolving loans (loans made with interest and periodic payments) or otherwise make the grant funds available on a "revolving" basis for the purposes of implementing the Project activities described in Attachment A. The Grantee will submit annual written reports to the Council that report on the uses of the grant funds. The form and content of the report will be determined by the Council. This annual reporting requirement is in addition to the reporting requirements stated in Section 3.03. Notwithstanding the Expiration Date identified at Page 1 of this Agreement and referenced in Section 4.01, the Grantee will submit the annual reports until the deferred or revolving loan programs terminate, or until such time as the Council terminates this annual reporting requirement by written notice to the Grantee. At its discretion, the Council may: (1) permit the Grantee to use loan repayments to continue supporting affordable housing components of the Project; or (2) require the Grantee to remit the grant funds to the Council.

2.06. Restrictions on Loans to Subrecipients. The Grantee shall not permit any subgrantee or subrecipient to use the grant funds for loans to any subrecipient at any tier unless the Grantee obtains the prior written consent of the Council. The requirements of this Section 2.06 shall be included in all subgrant and subrecipient agreements.

2.07. Project Commencement and Changes. The Project for which grant funds were requested must be "commenced" prior to the Expiration Date. The Grantee must promptly inform the Council in writing of any significant changes to the Project for which the grant funds were awarded, as well as any potential changes to the grant-funded activities described in Attachment A. Failure to inform the Council of any significant changes to the Project or significant changes to grant-funded components of the Project, and use of grant funds for ineligible or unauthorized purposes, will jeopardize the Grantee's eligibility for future LCA awards. Grant funds will not be disbursed prior to Council approval of significant changes to either the Project or grant-funded activities described in Attachment A.

2.08. Budget Variance. A variance of twenty percent (20%) in the budget amounts for grant-funded activities identified in Attachment A shall be considered acceptable without Council approval, provided no budget amount for any individual grant-funded activity may be increased or decreased by more than twenty percent (20%) from the budget amount identified in Attachment A. Budget variances for any individual grant-funded activity identified in Attachment A exceeding twenty percent (20%) will require Council approval. Notwithstanding the aggregate or net effect of any variances, the Council's obligation to provide grant funds under this Agreement shall not exceed the Grant Amount identified at Page 1 of this Agreement.

DEMONSTRATION ACCOUNT DEVELOPMENT GRANT PROGRAM

2.09. Loss of Grant Funds. The Grantee agrees to remit to the Council in a prompt manner: any unspent grant funds, including any grant funds that are not expended prior to the Expiration Date identified at Page 1 of this Agreement; any grant funds that are not used for the authorized purposes; and any interest earnings described in Section 2.11 that are not used for the purposes of implementing the grant-funded Project activities described in Attachment A. For the purposes of this Agreement, grant funds are "expended" prior to the Expiration Date if the Grantee pays or is obligated to pay for expenses of eligible grant-funded Project activities that occurred prior to the Expiration Date and the eligible expenses were incurred prior to the Expiration Date. Unspent or unused grant funds and other funds remitted to the Council shall revert to the Council's Livable Communities Demonstration Account for distribution through application processes in future Funding Cycles or as otherwise permitted by law.

2.10. Payment Request Forms and Disbursements. The Council will disburse grant funds in response to written payment requests submitted by the Grantee and reviewed and approved by the Council's authorized agent. Written payment requests shall be made using payment request forms, the form and content of which will be determined by the Council. Payment request and other reporting forms will be provided to the Grantee by the Council. The Council will disburse grant funds on a reimbursement basis or a "cost incurred" basis. The Grantee must provide with its written payment requests documentation that shows grant-funded Project activities actually have been completed. Subject to verification of each payment request form (and its documentation) and approval for consistency with this Agreement, the Council will disburse a requested amount to the Grantee within two (2) weeks after receipt of a properly completed and verified payment request form.

2.11. Interest Earnings. If the Grantee earns any interest or other income from the grant funds received from the Council under this Agreement, the Grantee will use the interest earnings or income only for the purposes of implementing the Project activities described in Attachment A.

2.12. Effect of Grant. Issuance of this grant neither implies any Council responsibility for contamination, if any, at the Project site nor imposes any obligation on the Council to participate in any pollution cleanup of the Project site if such cleanup is undertaken or required.

III. ACCOUNTING, AUDIT AND REPORT REQUIREMENTS

3.01. Accounting and Records. The Grantee agrees to establish and maintain accurate and complete accounts and records relating to the receipt and expenditure of all grant funds received from the Council. Notwithstanding the expiration and termination provisions of Sections 4.01 and 4.02, such accounts and records shall be kept and maintained by the Grantee for a period of six (6) years following the completion of the Project activities described in Attachment A or six (6) years following the expenditure of the grant funds, whichever occurs earlier. Accounting methods shall be in accordance with generally accepted accounting principles.

3.02. Audits. The above accounts and records of the Grantee shall be audited in the same manner as all other accounts and records of the Grantee are audited and may be audited or inspected on the Grantee's premises or otherwise by individuals or organizations designated and authorized by the Council at any time, following reasonable notification to the Grantee, for a period of six (6) years following the completion of the Project activities or six (6) years following the expenditure of the grant funds, whichever occurs earlier. Pursuant to Minnesota Statutes section 16C.05, subdivision 5,

DEMONSTRATION ACCOUNT DEVELOPMENT GRANT PROGRAM

the books, records, documents and accounting procedures and practices of the Grantee that are relevant to this Agreement are subject to examination by the Council and either the Legislative Auditor or the State Auditor, as appropriate, for a minimum of six (6) years.

3.03. Report Requirements. The Grantee will report to the Council on the status of the Project activities described in Attachment A and the expenditures of the grant funds. Submission of properly completed payment request forms (with proper documentation) required under Section 2.10 will constitute periodic status reports. The Grantee also must complete and submit to the Council a grant activity closeout report. The closeout report form must be submitted within 120 days after the expiration or termination of this Agreement, whichever occurs earlier. Within 120 days after the Expiration Date, the Grantee must complete and submit to the Council a certification of expenditures of funds form signed by the Grantee's chief financial officer or finance director. The form and content of the closeout report and the certification form will be determined by the Council. These reporting requirements and the reporting requirements of Sections 2.04 and 2.05 shall survive the expiration or termination of this Agreement.

3.04. Environmental Site Assessment. The Grantee represents that a Phase I Environmental Site Assessment or other environmental review has been or will be carried out, if such environmental assessment or review is appropriate for the scope and nature of the Project activities funded by this grant, and that any environmental issues have been or will be adequately addressed.

IV. AGREEMENT TERM

4.01. Term. This Agreement is effective upon execution of the Agreement by the Council. Unless terminated pursuant to Section 4.02, this Agreement expires on the "Expiration Date" identified at Page 1 of this Agreement. **ALL GRANT FUNDS NOT EXPENDED BY THE GRANTEE PRIOR TO THE EXPIRATION DATE SHALL REVERT TO THE COUNCIL.**

4.02. Termination. This Agreement may be terminated by the Council for cause at any time upon fourteen (14) calendar days' written notice to the Grantee. Cause shall mean a material breach of this Agreement and any amendments of this Agreement. If this Agreement is terminated prior to the Expiration Date, the Grantee shall receive payment on a pro rata basis for eligible Project activities described in Attachment A that have been completed prior to the termination. Termination of this Agreement does not alter the Council's authority to recover grant funds on the basis of a later audit or other review, and does not alter the Grantee's obligation to return any grant funds due to the Council as a result of later audits or corrections. If the Council determines the Grantee has failed to comply with the terms and conditions of this Agreement and the applicable provisions of the Metropolitan Livable Communities Act, the Council may take any action to protect the Council's interests and may refuse to disburse additional grant funds and may require the Grantee to return all or part of the grant funds already disbursed.

4.03. Amendments and Extension. The Council and the Grantee may amend this Agreement by mutual agreement. Amendments or an extension of this Agreement shall be effective only on the execution of written amendments signed by authorized representatives of the Council and the Grantee. If the Grantee needs additional time within which to complete grant-funded activities and commence the Project, the Grantee must submit to the Council **AT LEAST NINETY (90) CALENDAR DAYS PRIOR TO THE EXPIRATION DATE**, a resolution of the Grantee's governing body requesting the extension and a written extension request. The form and content of the written extension request and

DEMONSTRATION ACCOUNT DEVELOPMENT GRANT PROGRAM

instructions for requesting an extension are available online at: <http://www.metrocouncil.org>. **THE EXPIRATION DATE MAY BE EXTENDED, BUT THE PERIOD OF ANY EXTENSION(S) SHALL NOT EXCEED TWO (2) YEARS BEYOND THE ORIGINAL EXPIRATION DATE IDENTIFIED AT PAGE 1 OF THIS AGREEMENT.**

V. GENERAL PROVISIONS

5.01. Equal Opportunity. The Grantee agrees it will not discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local civil rights commission, disability, sexual orientation or age and will take affirmative action to insure applicants and employees are treated equally with respect to all aspects of employment, rates of pay and other forms of compensation, and selection for training.

5.02. Conflict of Interest. The members, officers and employees of the Grantee shall comply with all applicable state statutory and regulatory conflict of interest laws and provisions.

5.03. Liability. Subject to the limitations provided in Minnesota Statutes chapter 466, to the fullest extent permitted by law, the Grantee shall defend, indemnify and hold harmless the Council and its members, employees and agents from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the conduct or implementation of the Project activities funded by this grant, except to the extent the claims, damages, losses and expenses arise from the Council's own negligence. Claims included in this indemnification include, without limitation, any claims asserted pursuant to the Minnesota Environmental Response and Liability Act (MERLA), Minnesota Statutes chapter 115B, the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended, United States Code, title 42, sections 9601 *et seq.*, and the federal Resource Conservation and Recovery Act of 1976 (RCRA) as amended, United States Code, title 42, sections 6901 *et seq.* This obligation shall not be construed to negate, abridge or otherwise reduce any other right or obligation of indemnity which otherwise would exist between the Council and the Grantee. The provisions of this section shall survive the expiration or termination of this Agreement. This indemnification shall not be construed as a waiver on the part of either the Grantee or the Council of any immunities or limits on liability provided by Minnesota Statutes chapter 466, or other applicable state or federal law.

5.04. Acknowledgments and Signage. The Grantee will acknowledge the financial assistance provided by the Council in promotional materials, press releases, reports and publications relating to the Project. The acknowledgment will contain the following or comparable language:

*Financing for this project was provided by the Metropolitan
Council Metropolitan Livable Communities Fund.*

Until the Project is completed, the Grantee shall ensure the above acknowledgment language, or alternative language approved by the Council's authorized agent, is included on all signs (if any) located at Project or construction sites that identify Project funding partners or entities providing financial support for the Project. The acknowledgment and signage should refer to the "Metropolitan Council" (not "Met Council" or "Metro Council").

**DEMONSTRATION ACCOUNT
DEVELOPMENT GRANT PROGRAM**

5.05. Permits, Bonds and Approvals. The Council assumes no responsibility for obtaining any applicable local, state or federal licenses, permits, bonds, authorizations or approvals necessary to perform or complete the Project activities described in Attachment A. The Grantee and its developer(s), if any, must comply with all applicable licensing, permitting, bonding, authorization and approval requirements of federal, state and local governmental and regulatory agencies, including conservation districts.

5.06. Subgrantees, Contractors and Subcontractors. The Grantee shall include in any subgrant, contract or subcontract for Project activities appropriate provisions to ensure subgrantee, contractor and subcontractor compliance with all applicable state and federal laws and this Agreement. Along with such provisions, the Grantee shall require that contractors and subcontractors performing work covered by this grant comply with all applicable state and federal Occupational Safety and Health Act regulations.

5.07. Stormwater Discharge and Water Management Plan Requirements. If any grant funds are used for urban site redevelopment, the Grantee shall at such redevelopment site meet or require to be met all applicable requirements of:

- (a) Federal and state laws relating to stormwater discharges including, without limitation, any applicable requirements of Code of Federal Regulations, title 40, parts 122 and 123; and
- (b) The Council's *2030 Water Resources Management Policy Plan* and the local water management plan for the jurisdiction within which the redevelopment site is located.

5.08. Authorized Agent. Payment request forms, written reports and correspondence submitted to the Council pursuant to this Agreement shall be directed to:

Metropolitan Council
Attn: LCA Grants Administration
390 Robert Street North
Saint Paul, Minnesota 55101-1805

5.09. Non-Assignment. Minnesota Statutes section 473.253, subdivision 2 requires the Council to distribute grant funds to eligible "municipalities," metropolitan-area counties or "development authorities" for projects in municipalities participating in the Local Housing Incentives Account program. Accordingly, this Agreement is not assignable and shall not be assigned by the Grantee.

5.10. Warranty of Legal Capacity. The individuals signing this Agreement on behalf of the Grantee and on behalf of the Council represent and warrant on the Grantee's and the Council's behalf respectively that the individuals are duly authorized to execute this Agreement on the Grantee's and the Council's behalf respectively and that this Agreement constitutes the Grantee's and the Council's valid, binding and enforceable agreements.

**DEMONSTRATION ACCOUNT
DEVELOPMENT GRANT PROGRAM**

IN WITNESS WHEREOF, the Grantee and the Council have caused this Agreement to be executed by their duly authorized representatives. This Agreement is effective on the date of final execution by the Council.

CITY OF SHOREVIEW

METROPOLITAN COUNCIL

By: _____

Title: _____

Date: _____

By: _____

Guy Peterson, Director
Community Development Division

Date: _____

By: _____

Title: _____

Date: _____

**DEMONSTRATION ACCOUNT
DEVELOPMENT GRANT PROGRAM**

ATTACHMENT A

PROJECT SUMMARY

This attachment comprises this page and the succeeding page(s) which contain(s) a summary of the Project identified in the application for Livable Communities Demonstration Account grant funds submitted in response to the Council's notice of availability of Demonstration Account grant funds for the Funding Cycle identified at Page 1 of this Agreement. The summary reflects the proposed Project for which the Grantee was awarded grant funds by the Council Action, and may reflect changes in Project funding sources, changes in funding amounts, or minor changes in the proposed Project that occurred subsequent to application submission. The application is incorporated into this Agreement by reference and is made a part of this Agreement as follows. If the application or any provision of the application conflicts with or is inconsistent with the Council Action, other provisions of this Agreement, or the Project summary contained in this Attachment A, the terms, descriptions and dollar amounts reflected in the Council Action or contained in this Agreement and the Project summary shall prevail. For the purposes of resolving conflicts or inconsistencies, the order of precedence is: (1) the Council Action; (2) this Agreement; (3) the Project summary; and (4) the grant application.

DEMONSTRATION ACCOUNT
DEVELOPMENT GRANT PROGRAM

Award amount:	\$655,000	Grant Type:	LCDA Development
Grantee:	City of Shoreview		SG011-147
Project Name:	Midland Terrace Redevelopment		
Project Location:	Victoria St / Owasso St/ County Road E - 3529 Owasso Street in Shoreview		
Council District:	10 – John Đoàn		

Project Description:

This project will expand the City's largest apartment community by demolishing an underutilized retail center and building 108 market-rate apartments adjacent to existing affordable rental units. LCDA funds would be used to realign Owasso Street; relocate existing sewer lines; add sidewalk and trail connections; demolish Midland Plaza; and site preparation.

Comments on Demonstration, Innovation, and Catalytic Elements of this Project:

This project demonstrates how to modify an older apartment complex to address new and changing market demands and is a good example of stage redevelopment in order to modernize housing stock and enhance water quality goals.

Funding:

Amount Requested	Amount Recommended	Use of Funds
\$133,550	\$133,550	Realignment of Owasso Street
120,000	120,000	Relocate public sewer lines
22,000	22,000	Sidewalk / trail connections
177,000	177,000	Stormwater improvements
40,000	40,000	Demolition
162,450	162,450	Site preparation
\$655,000	\$655,000	

Previous LCA Grants Received For This Or Related Project: **None.**

Development Timeline:

Task	Start Date	End Date
Realignment of Owasso Street		By 12/31/14
Relocate public sewer lines		By 12/31/14
Sidewalk / trail connections		By 12/31/14
Stormwater improvements		By 12/31/14
Demolition		By 12/31/14
Site preparation		By 12/31/14
Construction of 108 market-rate apartments	By 12/31/14	

PROPOSED MOTION

MOVED BY COUNCILMEMBER _____

SECONDED BY COUNCILMEMBER _____

to adopt Resolution No. 12-11 rejecting proposed Grass Lake Water Management Organization Joint Powers language and to Petition for Dissolution of the Organization.

ROLL CALL:	AYES	NAYS
HUFFMAN	_____	_____
QUIGLEY	_____	_____
WICKSTROM	_____	_____
WITHHART	_____	_____
MARTIN	_____	_____

REGULAR COUNCIL MEETING
FEBRUARY 6, 2012
MJM/

TO: MAYOR, CITY COUNCIL, AND CITY MANAGER

FROM: MARK J. MALONEY, PUBLIC WORKS DIRECTOR

DATE: FEBRUARY 6, 2012

SUBJ: GRASS LAKE WATER MANAGEMENT ORGANIZATION
PROPOSED JOINT POWERS AGREEMENT REVISIONS

BACKGROUND

The City Councils of Shoreview and Roseville have been requested by the Grass Lake Water Management Organization to revise the Joint Powers Agreement to establish and/or clarify their fiscal autonomy. Both cities have met with the GLWMO Board over the past year and have discussed the management of the water resources in the jurisdiction. Last month, the Roseville City Council adopted a resolution that rejected the proposed JPA changes and petitioned the Board to dissolve the Organization. Action concerning the proposed JPA changes is required of the Shoreview City Council.

DISCUSSION

The GLWMO was created in 1983 through a Joint Powers Agreement (JPA) between the cities of Roseville and Shoreview. The creation of the WMO was in response to State Statute 103B and Rules 8410 that directed that all of the Twin Cities Metro Area would have some form of watershed-based governance. The two ways that was accomplished was by either an agreement (JPA) of cities that created a Water Management Organization, or by County-created Watershed Districts. Similar to local units of government, WMOs and Watershed Districts are required to develop and implement Water Management Plans, and identify their fund sources. The Board of Water and Soil Resources (BWSR) is the state agency with the responsibility of oversight of WMO/Watershed Districts, and management plans are subject to their approval.

At 9.0 square miles, GLWMO is by geographic area one of the smallest organized watersheds in the State of Minnesota. At the time of creation of GLWMO, the Cities of Roseville and Shoreview were seeking the lowest cost and least bureaucratic approach to meeting the requirements of the statutes and rules. Roseville has acted as the official Treasurer for the WMO, and the Public Works Directors of the cities alternated the responsibility for administrative support through 2008. Needless to say, much has changed in the world of surface water management since 1983, and the expectations of both the regulatory agencies and the public have advanced far beyond what was envisioned at the time of GLWMO's creation.

Given how complicated (and expensive) surface water management has become, there are legitimate concerns regarding the effectiveness of water management organizations in Minnesota. Amid concerns for the major water resource in the area (McCarron's Lake)

the 40 square mile Capitol Region WMO, which included southern Roseville, was dissolved and replaced with a Watershed District with taxing authority in 1996. As regional water management continued to distance itself from what local government could be expected to provide, the topic was brought before the State Legislature. In 2007, the Office of the Legislative Auditor delivered a 107-page report detailing their findings regarding water management models. It is clear that the State's Board of Soil and Water Resources (BWSR) is implementing many of the recommendations of the report and holding all WMO's to standards that they may not have been acknowledged in the past. The report underscores the inherent difficulty for small water management organization to exist and legitimately questions their ability to protect the water resources in their jurisdictions given their reliance on city support.

In the current review of GLWMO's draft management plan, BWSR is requiring that the JPA between Roseville and Shoreview be amended to be explicit regarding the autonomy of the WMO's budget process and spending, regardless of fund source. This essentially sets up the scenario that the cities are required to provide the WMO funding without any authority over setting or approving budgets or spending priorities. The City Councils of both cities have indicated that they could not be supportive of those requirements.

The City Council has discussed the management of water resources in Shoreview and the future of the GLWMO Board on a few occasions over the past year. Concerns have been expressed about the cost implications to the City of the proposed JPA language changes. Therefore, it is recommended that the Council adopt a resolution rejecting the proposed changes to the Joint Powers Agreement.

Since the GLWMO cannot continue to exist without a revised Joint Powers Agreement, staff is also recommending that the resolution petition the GLWMO Board to dissolve the organization in accordance with Section VI and VII of the current JPA. The dissolution section requires that the GLWMO Board hold a meeting, preceded by 30 days written notice, to each city to consider dissolution. If the Board recommends dissolution, it would need to be ratified within 60 days by each City Council. Attached is the existing Joint Powers Agreement.

If the GLWMO is dissolved, it is likely the water management will be taken over by an adjacent Watershed District or Water Management Organization. However, this determination will not be made until the organization is officially dissolved.

RECOMMENDATION

Given the implications of the requested Joint Powers Agreement revisions, it is recommended that the Shoreview City Council concur with the recent action of the City of Roseville that rejects the proposed revisions to the JPA and formally petition the GLWMO Board to dissolve the Organization.

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF SHOREVIEW, MINNESOTA
HELD FEBRUARY 6, 2012**

* * * * *

Pursuant to due call and notice thereof, a meeting of the City Council of the City of Shoreview, Minnesota, was duly called and held at the Shoreview City Hall in said City on February 6, 2012, at 7:00 p.m. The following members were present:

and the following members were absent: .

Member introduced the following resolution and moved its adoption.

RESOLUTION NO. 12-11

**REJECTING PROPOSED GRASS LAKE WATER MANAGEMENT
ORGANIZATION JOINT POWERS LANGUAGE
AND TO PETITION DISSOLUTION**

WHEREAS, the City of Shoreview and the City of Roseville have a Joint Powers Agreement in place creating the Grass Lake Water Management Organization for the management of joint watershed resources pursuant to Minnesota Statutes; and

WHEREAS, water management regulations, roles and responsibilities have changed significantly since the creation of the Grass Lake Water Management Organization in 1983; and

WHEREAS, in 2007, the Legislative Auditor presented a report to the Minnesota Legislature which indicated strong concern regarding the ability of small Water Management Organizations to adequately fund and/or address their requirements under relevant state laws; and

WHEREAS, the Grass Lake Water Management Organization Board has requested revisions to the Joint Powers Agreement necessary for the organization to have fiscal autonomy and to continue in its current form as a Water Management Organization pursuant to State Statute 103B and Rules 8410; and

WHEREAS, the Shoreview City Council has significant concerns about the City being required to provide the funding for the GLWMO without having any budget control.

WHEREAS, the City Councils of both Shoreview and Roseville have concluded that there are existing adjacent water management organizations possessing the necessary technical expertise and funding resources to protect the watershed natural resources in an effective and efficient manner.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SHOREVIEW, MINNESOTA THAT the proposed joint powers agreement revisions recommended by the Grass Lake Water Management Organization Board are hereby rejected. In addition, the Shoreview City Council hereby petitions the Grass Lake Water Management Organization Board to dissolve the Organization pursuant to Section VI and Section VII of the current approved joint powers agreement and state statute requirements.

The motion for the adoption of the foregoing resolution was duly seconded by Member , and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

WHEREUPON, said resolution was declared duly passed and adopted this 6th day of February, 2012.

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)
)
CITY OF SHOREVIEW)

I, the undersigned, being the duly qualified and acting Manager of the City of Shoreview of Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of said City Council held on the 6th day of February, 2012, with the original thereof on file in my office and the same is a full, true and complete transcript there from insofar as the same relates to the Grass Lake Water Management Organization.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 7th day of February 2012.

Terry Schwerm
City Manager

**AMENDED
JOINT POWERS AGREEMENT
CITY OF SHOREVIEW, MINNESOTA
CITY OF ROSEVILLE, MINNESOTA**

**ESTABLISHING AND EMPOWERING
THE GRASS LAKE WATER MANAGEMENT ORGANIZATION**

THIS AGREEMENT is made and entered into the ____ day of _____, 2005 by and between THE CITY OF ROSEVILLE, a municipal corporation and political subdivision of the State of Minnesota and THE CITY OF SHOREVIEW, a municipal corporation and political subdivision of the State of Minnesota.

WHEREAS, each City has the authority to manage surface waters within its boundaries pursuant to M.S.A. 412.221, Subd. 6; 444.075 and 462.357, Subd. 1; and

WHEREAS, each City may jointly exercise common authority by adopting a joint powers agreement pursuant to M.S.A. 471.59; and

WHEREAS, by means of a joint powers agreement, the Cities may establish a water management organization pursuant to M.S. 103B.211 and 103B.227-103B.252, inclusive; and

WHEREAS, a portion of each City lies within the geographical area hereinafter referred to as the "Grass Lake Watershed", which watershed is illustrated and described on **Exhibit A** attached hereto; and

WHEREAS, each City is desirous of jointly conducting a water management organization that would adopt, finance and implement a watershed management plan for the Grass Lake Watershed which plan would preserve and use natural water storage and retention systems.

NOW, THEREFORE, in consideration of the mutual undertakings herein expressed, the City of Roseville and the City of Shoreview agree as follows:

SECTION I
ESTABLISHMENT/PURPOSE OF WATER MANAGEMENT ORGANIZATION

The Grass Lake Watershed Management Organization is a public agency that manages the watershed in Ramsey county shown on the map set forth in Exhibit "A". of the Cities of Roseville and Shoreview. The purposes of the Grass Lake Watershed Management Organization are as follows:

1. to protect, preserve and use natural surface and ground water storage and retention systems;
2. minimize public capital expenditures needed to correct flooding and water quality problems;
3. identify ~~and~~ plan and implement a plan for means to effectively protect and improve surface and ground water quality;
4. to establish a more uniform local policies and official controls for surface and ground water management;
5. to prevent erosion of soil and surface water systems;
6. to promote ground water recharge and protect groundwater quality;
7. to protect and enhance fish and wildlife habitat, and water recreational facilities; and
8. to secure the other benefits associated with the proper management of surface and ground water.

SECTION II
DEFINITIONS

For purposes of this Agreement, the terms used herein shall have the meanings as defined in this Section.

Subdivision 1. The "Organization" means the Grass Lake Watershed Management Organization.

Subdivision 2. "Board" or "Board of Commissioners" means the governing body of the Organization.

Subdivision 3. "Council" means the governing body of the City of Roseville and/or the governing body of the City of Shoreview.

Subdivision 4. "Grass Lake Watershed" means the geographical area described and/or illustrated on Exhibit "A" attached and made a part of this Agreement.

Subdivision 5. "Commissioner" means a member of the Board of Commissioners.

Subdivision 6. "Comprehensive Plan" means a plan adopted by either the City of Roseville or the City of Shoreview pursuant to M.S.A. 473.858 to 473.862, inclusive, and any amendments to such plan.

Subdivision 7. "Capital Improvement Program" means an itemized program for at least a five-year period, and any amendments thereof, subject to at least biennial review, setting forth the schedule, timing and details of the specific contemplated capital improvements on an annual basis, together with their estimated costs, the need for each improvement, the financial sources for the payment of such improvements and the financial effect that the program will have on the City of Roseville, the City of Shoreview or the Organization.

Subdivision 8. "Local Water Management Plan" means a plan adopted by the City of Roseville or the City of Shoreview pursuant to M.S. 103B.235.

Subdivision 9. "Watershed Management Plan" means a plan adopted by the organization pursuant to M.S. 103B.231.

SECTION III

BOARD OF COMMISSIONERS

Subdivision 1. Appointment. The Organization shall be governed by a five member Board of Commissioners. Each City shall make appointments in such a manner so that the Cities will alternate each having three members of the Board every other year by making two or three year appointments. Notice shall be given of vacancies on the Board in the official newspaper of the City making the appointment. Persons employed as staff by the Cities will not be eligible for appointment to the Board. Appointments will be made within 90 days of a vacancy on the Board. The Cities will give written notice to the Minnesota Board of Water and Soil Resources of appointments within 30 days of making such appointments.

Subdivision 2. Eligibility. Each City Council shall determine its own eligibility or qualification standards for its appointments to the Board of Commissioners, provided that city staff may not be a member of the Board.

Subdivision 3. Term of Office. Each Commissioner shall serve at the will and consent of the City Council who appointed the Commissioner or until the Commissioner's designated term of office expires, whichever event occurs first.

Subdivision 4. Vacancy. Any vacancy shall be filled for the unexpired term of any Commissioner by the City Council who appointed said Commissioner. Vacancies will be filled by the same procedure as for making regular appointments as provided in Sec. III sub. 1.

Subdivision 5. Record of Appointment. Each City shall, within thirty (30) days following the appointment of a Commissioner, file a written notice of such appointment with the Secretary of the Board.

Subdivision 6. Compensation. Each City may compensate the Commissioners it appoints, but the Commissioner shall not be compensated by the Organization ~~or have expenses reimbursed by the Organization.~~ except that the Organization shall compensate Commissioners for any out of pocket expenses as pre-approved by the Board.

Subdivision 7. Officers of the Board. At the first meeting of the Board in each year, the Board shall elect from its Commissioners a chairperson, a vice chairperson and a secretary and such other officers as it deems necessary to conduct its meetings and affairs. ~~In the absence of the chairperson, the vice chairperson shall preside and perform the duties of the chairperson. It shall be the duty of the chair to:~~

- a. Serve as chairperson for all meetings;
- b. Sign, in the name of the Organization, any contracts, correspondence, or other instruments pertaining to the business of the Organization as so authorized by a majority vote of the Board;
- c. Be a signatory to the Organization accounts; oversee development of meeting agendas; have full voting privileges at all times, may vote on any issue, and need not confine his/her voting to break ties in voting by the Commissioners;
- d. The Chair shall assume no other duties or responsibilities except as granted by majority vote of the Board.

It shall be the duties of the Vice Chair to:

e. Discharge the Chair's duties in the event of the absence or disability of the Chair;

f. Be a signatory to certain instruments and accounts of the Organization;

g. In the absence of Chair and Vice Chair, a Chair Pro Tempore shall be elected by the Commissioners in attendance to serve as Chair for the duration of that meeting.

It shall be the duties of the Secretary to:

h. Oversee the preparation and distribution, in a timely manner, of the minutes of all meetings of the Organization;

i. Distribute draft minutes to the Commissioners in advance of meetings;

j. Oversee the official records of the Organization.

In the case of vacancy of any officers of the Board, a replacement shall be elected by a majority of the Commissioners to serve for the remainder of the vacated term.

Subdivision 8. Rules and Regulations of the Board. The Board shall adopt rules and regulations governing its meetings. Such rules and regulations may be amended from time to time in either a regular or special meeting of the Board provided that notice of such proposed amendment has been given to each Commissioner at least ten (10) day prior to the meeting at which the proposed amendment will be considered. All meetings of the Joint Powers Board are subject to Minn. Stat. Chapter 13D (Minnesota Open Meeting Law), and shall be governed by Robert's Rules of Order, Newly Revised 10th Edition or later. The Board may adopt other rules and regulations as it deems necessary to carry out its duties and the purpose of this Agreement. Such rules and regulations may be amended from time to time in either a regular or special meeting of the Board provided that notice of such proposed amendment has been given to each Director at least ten (10) day prior to the meeting at which the proposed amendment will be considered. The initial rules and regulations shall be submitted to the Members for their review. Members shall submit their comments to the Board within 45 days. These rules and regulations, after adoption, shall be recorded in the Organization's bylaws.

Subdivision 9. Quorum. A majority of the entire Board shall constitute quorum, but less than a quorum ~~may shall~~ adjourn a scheduled meeting.

Subdivision 10. Voting Requirements. All financial and policy actions of the Board shall require three (3) affirmative votes. All other actions shall require a simple majority of Commissioners present.

Subdivision 11. Meetings. Whenever possible, Regular-regular meetings of the Board shall be held a least quarterly-monthly on days selected by the Board. A schedule of regular meeting dates shall be adopted annually by the Board. The notice of regular meeting dates, times and places will be posted on the website of the Organization (and in the official newspapers of the member cities). Special meetings may be held at the request of the Board Chairman or at the request of two (2) Commissioners provided that such special meeting shall be preceded by not less than three (3) days written notice of the time, place and purpose of the special meeting. The notice of the special meeting shall be delivered ~~or,~~ mailed or e-mailed to the residence or e-mail address of each commissioner and to each person who has filed a written request for notice of special meetings with the Board. All meetings of the Board shall be subject to the provisions of the Minnesota Open Meeting Law.

Comment [J1]: Do we post in Papers?

Subdivision 12. Location of Board Office. The Board shall maintain a business office at 2660 Civic Center Drive within the City of Roseville. All notices to the Board shall be delivered or served to such office. Each City shall be compensated for administrative services rendered to the Organization.

SECTION IV

WATERSHED MANAGEMENT TAX DISTRICT

Each City may establish a watershed management tax district for the portion of its corporate boundaries which lie within the Grass Lake Watershed pursuant to the provisions of M.S. 103B.245. Neither the provisions of this Agreement nor the establishment of a watershed management tax district shall prevent the Councils of the City of Roseville or the City of Shoreview from electing to finance the planning for water management; financing of capital improvements; or for providing the normal and routine maintenance of capital improvements within the Grass Lake Watershed by other resources.

SECTION V

POWER AND DUTIES OF THE BOARD OF COMMISSIONERS

Subdivision 1. Organization. The Organization, acting by its duly appointed Board of Commissioners, shall have the powers and duties set forth in this section.

Subdivision 2. Watershed Management Plan. The Board shall prepare, finance and implement a watershed management plan for the Grass Lake Watershed. The plan shall:

- a. describe the existing physical environment and land usages within the Grass Lake Watershed and shall further describe the environment and land usages proposed for the Grass Lake Watershed by the existing Comprehensive Plans for the Cities of Roseville and Shoreview and by the Comprehensive Plan adopted by the Metropolitan Council;
- b. present information on the hydrologic system in the Grass Lake Watershed, the system's components and existing and potential problems relating thereto;
- c. state-establish objectives ~~and, policy-policies, regulations and rules~~ (including those relating to management principles, alternatives and modifications) concerning water quality and to protect the natural characteristics of the Grass Lake Watershed;
- d. set forth a management plan that includes a statement of the hydrologic and water quality conditions to be sought and that shall further itemize significant opportunities for improvement such conditions;
- e. describe conflicts between the surface water management plan of the Grass Lake Watershed and existing management plans of the Cities of Shoreview and Roseville;
- f. set forth and implement an implementation program consistent with the management plan that includes a capital improvement program and standards and schedules for amending the Comprehensive Plans and official controls of the Cities of Roseville and Shoreview in order to bring about conformance with the water-surfacewatershed management plan for the Grass Lake Watershed;
- g. get-outestablish a procedure for amending the water surface management plan.

~~Subdivision 3. Annual Operating Budget. On or before June 1 of each year the Board shall prepare a proposed operating budget and recommend its approval to the Cities. Each City will review the operating budget for the following fiscal year and shall~~

~~either approve the proposed operating budget or a budget as amended by the Cities within sixty (60) days of receipt of the Board recommendation. Upon City approval of the Organization's operating budget, each City shall pay to the Organization an amount equal to one-half (1/2) of the approved operating budget in the following manner:~~

~~a. One-half (1/2) of each City's obligation shall be paid to the Organization on or before July 1 of the fiscal year approved; and~~

~~b. One-half (1/2) of each City's obligation shall be paid to the Organization on or before December 1 of the fiscal year approved.~~

Subdivision 3A . Annual Operating and capital improvements Budget. On or before June 1 of each year the Board shall prepare and adopt a proposed preliminary operating and capital improvements budget and recommend its approval and submit this preliminary budget to the Cities for financing. Each City shall review the preliminary operating budget for the following fiscal year and shall provide written comment to the Board of Commissioners by July 1 citing any and all concerns it may have with the budget. On or before August 1 of each year, the Board of Commissioners shall adopt and publish its operating and capital improvements budget for the following fiscal year .Each City shall pay to the Organization an amount equal to one-half (1/2) of the approved operating budget in the following manner:

a. One-half (1/2) of each City's obligation shall be paid to the Organization on or before July 1 of the fiscal year approved; and

b. One-half (1/2) of each City's obligation shall be paid to the Organization on or before December 1 of the fiscal year approved.

Subdivision 3B.Operations Cash flow finance.The cities shall provide cash flow finance if necessary as determined by the Board of commissioners and the cities.

Subdivision 3C. Appeals of Budget by Cities. In the event a member objects to the allocation of the Member's share of the operating and/or Capital Improvement Budgets, for the next fiscal year, it may appeal the determination of the Board to final

and binding arbitration by filing a written appeal with an officer of the Board, within 30 days of receipt of the Board's preliminary budget. The arbitration procedure set forth as follows shall be followed:

- a. Appeals of Determinations by the Board of Commissioners. Members shall comply with Commissioners' determinations as to the force and effect of the Watershed Management Plan, the Local water Management Plan, or improvements initiated pursuant to these Plans. Any member unit which disputes a determination of the Commissioners' as to the force and effect of the Plan, Local Plan, or the cost allocations for the implementation of the Plan, may appeal the decision of the commissioners' within 30 days of receipt of written notice of such determination. Should the appeal not be completed to the satisfaction of all parties, a party may submit the dispute to arbitration. Arbitration shall be conducted in the following manner: Arbitration shall be conducted in accordance with the Uniform Arbitration Act (MN Statute Chapter 572).

Subdivision 4. Capital Improvement Project. On or before June 1 of each year the Board shall prepare a capital improvements program and recommend its approval by the Cities. Each City agrees to review and approve or disapprove the capital improvement program within sixty (60) days of receipt of the Board's recommendations. Each City agrees to contribute its proportionate share of the cost of constructing capital improvements approved by the Cities for projects within the Grass Lake Watershed.

Subdivision 5. Committees. The Board ~~may~~ shall appoint such committees and subcommittees, establishing terms and conditions for such committees, as it deems necessary and as are mandated. The Board shall invite members with special expertise in Hydrology, Geology, Limnology, Freshwater Biology and other fields of study pertaining to the management of a watershed, as well as concerned members of the general public to serve on a Technical and Citizens Advisory Committee. Members of this committee shall be approved by a majority of the Commissioners

Subdivision 6. Reserved.

Subdivision 7. Review and Recommendations. Where the Board is authorized or requested to review and make recommendations on any matter, the Board shall act on such matter within ninety (90) days or within the statutory time requirement, whichever is shorter. Failure to act within such time periods shall constitute a waiver of the Board's authority to make recommendations.

Subdivision 8. Local Water Management Plan. After consideration but before adoption by its governing body, each City shall submit its watershed management plan or any amendment thereof to the Board for review of its consistency with the water surface management program of the Grass Lake Watershed. The Board shall approve or disapprove each City's management plan or parts thereof. The Board shall have ninety (90) days to complete its review. If the Board fails to complete its review within the prescribed time period, unless an extension is agreed to by the City, the City's plan shall be deemed approved. All provisions as specified in MN Statute 103B.235 subds. 1,2,3, and 3a and MN rules chapter 8410.0030, subpart 1,g shall govern the process of Local Water Management Plan content and review by GLWMO.

Subdivision 9. Data. The Board may establish and maintain devices for acquiring and recording hydrological-relevant data for the management of water resources within the Grass Lake Watershed.

Subdivision 10. Claims. The Board may enter upon lands within or without the Grass Lake Watershed to make surveys and investigations to accomplish the purposes of the Board. The Board shall be liable for actual damages resulting therefrom, but every person who claims damages shall serve the Chairman or Secretary of the Board with a notice of claim as required by M.S.A. 466.05.

Subdivision 11. Legal and Technical Assistance. The Board may provide legal and technical assistance in connection with litigation or other proceedings between one or more of its members and any other political subdivision, commission, board or agency relating to the planning or construction of facilities to drain or pond storm watersimplement the Watershed Management Plan within the Grass Lake Watershed.

Subdivision 12. Reserve Funds. The Board may accumulate reserve funds for the purpose herein mentioned and may invest funds of the Board not currently needed for its operations in the manner and subject to the laws of Minnesota applicable to statutory cities.

Subdivision 13. Monies Collectable. The Board may collect monies, subject to the provisions of this Agreement, from the Cities and from any other source approved by a majoritythree Commissioners-of-its-Board.

Subdivision 14. Contracts. The Board may make and enter into contracts, incur expenses and make expenditures necessary and incidental to the effectuation of these purposes and powers and may disburse therefor in the manner hereinafter provided. Every contract for the purchase or sale of merchandise, materials or equipment by the Board shall be let in accordance with the Uniform Municipal Contracting Law. No

member or employee of the Board or officer or employee of any of the Cities shall have a direct or indirect financial interest in any contract made by the Board.

Subdivision 15. Surveys. The Board may make necessary surveys or utilize other reliable surveys and data and develop projects to accomplish the purposes for which the Board is organized.

Subdivision 16. Other Governmental Units and Agents. The Board may cooperate or contract with the State of Minnesota or any subdivision thereof or Federal agency or private or public organization to accomplish the purposes for which it is organized.

Subdivision 17. Water Conveyances. The Board may order any City, governmental unit or units to construct, clean, repair, alter, abandon, consolidate, reclaim or change the course of terminus of any ditch, drain, storm sewer, water course, natural or artificial, that affects the Grass Lake Watershed in accordance with adopted plans. The Board may also acquire and/or assume operational authority for any or all Ramsey County Drainage Ditches within the Grass lake watershed.

Subdivision 18. Watershed Operations. The Board may order any City to acquire, operate, construct or maintain dams, dikes, reservoirs and appurtenant works in accordance with adopted plans.

Subdivision 19. Storm and Surface Waters. The Board shall regulate, conserve and control the use of storm and surface water within the Grass Lake Watershed pursuant to its adopted plan.

Subdivision 20. Insurance. The Board may contract for or purchase such insurance as the Board deems necessary for the protection of the Organization.

Subdivision 21. Audit. The Board shall cause to be made an annual audit of the books and accounts of the Organization and at least once each year shall make and file a report with the Cities including the following information

- a. the financial condition of the Organization;
- b. the status of all Organization projects and work within the Grass Lake Watershed and
- c. the business transacted by the organization and other matters that affect the interests of the Organization.

Subdivision 22. Records. The Board's books, reports and records shall be available for and open to inspection by the Cities at all times.

Subdivision 23. Reserved.

Subdivision 24. Other Powers. The Board may exercise all other powers necessary and incidental to the implementation of the purposes and powers set forth herein as authorized by the by MN Statute 103B .231 and MN rules 8410.Cities.

Subdivision 25. Permits. The Board shall cooperate with the State of Minnesota, its agencies and other political subdivisions in obtaining all required permits. It shall review permits issued by the Cities to accomplish the purposes of the Organization.

Subdivision 26. Local Studies. Each City reserves the right to conduct separate or concurrent studies on any matter under study by the Organization.

Subdivision 27. Gifts, Grants, Loans. The Organization may, within the scope of this Agreement, accept gifts, apply for and use grants or loans of money or other property from the United States, the State of Minnesota, a unit of government or other governmental unit or organization, or from any person or entity for the purposes described herein and may enter into any reasonable agreement required in connection therewith; it may-shall comply with any laws or regulations applicable thereto; and it may hold, use and dispose of such money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

SECTION VI

DURATION

Subdivision 1. The Joint Powers Agreement shall continue until terminated by the Cities as herein provided.

Subdivision 2. Reserved

Subdivision 3. Any City may petition the Board to dissolve the Organization. The Board shall hold a meeting preceded by thirty (30) days' written notice to the Clerks of each City, Ramsey County and the Minnesota Board of Water and Soil Resources. Upon a favorable vote of a majority of the entire Board, the Board may recommend that the Organization be dissolved. Such recommendation shall be submitted to each City and, if ratified by each City Council within sixty (60) days, the Organization shall be dissolved following expiration of a reasonable time to complete the work in progress and following compliance with the provisions of M.S. 103B.221 and M.S. 103B. 225.

SECTION VII

DISSOLUTION

Upon dissolution of the Organization, all property of the Organization shall be sold and the proceeds hereof, together with the monies on hand, shall be distributed to the Cities in proportion to the contributions made by the Cities to the Organization in its last annual budget.

SECTION VIII
EFFECTIVE DATE

This Agreement and any amendments thereto shall be in full force and effect upon the filing of a certified copy of the resolution approving this Agreement by each City. Said resolutions shall be filed with the Roseville City Engineer who shall notify each City in writing of its effective date.

SECTION IX
COUNTERPARTS

This Agreement may be executed in several counterparts, and all so executed shall constitute one Agreement, binding on each City notwithstanding that each City may not be a signatory to the original of the same counterpart.

IN WITNESS WHEREOF, the Cities have hereunto set their hands the day and year first above written.

CITY OF ROSEVILLE

By: _____
Mayor

SEAL

DATED: _____, 2005

ATTEST:

City Clerk

CITY OF SHOREVIEW

By: _____
Mayor

SEAL

DATED: _____, 2005

ATTEST:

City Clerk

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PROPOSED MOTION

MOVED BY COUNCILMEMBER _____

SECONDED BY COUNCILMEMBER _____

to appoint Steve Solomonson as chair of the Planning Commission and Curt Proud as vice chair for one year terms expiring on January 31, 2013.

ROLL CALL: AYES _____ NAYS _____

HUFFMAN _____

QUIGLEY _____

WICKSTROM _____

WITHHART _____

MARTIN _____

Regular City Council Meeting
February 6, 2011

M E M O

TO: MAYOR AND COUNCIL

**FROM: TERRI HOFFARD
DEPUTY CLERK**

DATE: JANUARY 30, 2012

**SUBJECT: APPOINTMENT OF PLANNING COMMISSION CHAIR AND
VICE CHAIR**

INTRODUCTION

As required by City Code, the Council annually appoints a chair for the Planning Commission. The Council's Policy and Procedures governing City advisory committees and commissions strongly encourages committees and commissions to rotate the Chair position and suggests that no person serve as Chair for more than three consecutive years.

BACKGROUND

The City Code requires the Planning Commission chair be selected by the City Council. At their meeting, the Planning Commission discussed the selection of a chair. After some discussion, the Commission recommended appointing Steve Solomonson as chair and Curt Proud as vice chair. An excerpt of the minutes from the Planning Commission are attached for your review.

RECOMMENDATION

It is recommended that the City Council consider the appointment of Steve Solomonson as chair and Curt Proud as vice chair for the Planning Commission for one-year terms expiring January 31, 2013.

**EXCERPT OF MINUTES
SHOREVIEW PLANNING COMMISSION
MEETING
January 24, 2012**

Planning Commission Chair and Vice Chair

Chair Feldsien recused himself from voting on this item.

Commissioner Proud stated that he strongly supports rotation of the Chair position but would be willing to serve as Chair, if no one else steps forward. He also supports the process of Vice Chair becoming Chair.

Commissioner Wenner agreed with rotation of the Chair position. An orderly rotation procedure should be established according to the terms members have been appointed. A rotation process was recommended by the City Council. Rotation offers the opportunity of leadership to all Commissioners.

Commissioner Solomonson stated that he does not agree with appointing the Chair position on the basis of seniority. It should be rotated, but junior members should not be excluded.

Commissioner Schumer agreed with a rotation process and nominated Commissioner Solomonson.

Commissioner Proud nominated Commissioner Wenner. Commissioner Wenner withdrew his name from consideration and nominated Commissioner Proud.

MOTION: by Commissioner Schumer to close the nominations.

VOTE: Ayes - 5 Nays - 0

Ballots were distributed. Chair Feldsien collected the votes and announced that Commissioner Solomonson was voted to be Chair.

Chair Feldsien opened nominations for Vice Chair. Commissioner Wenner nominated Commissioner Schumer. Commissioner Ferrington nominated Commissioner Proud.

Chair Feldsien closed nominations, and ballots were again distributed for a vote. Chair Feldsien collected the votes and announced that Commissioner Proud was voted to be Vice Chair.